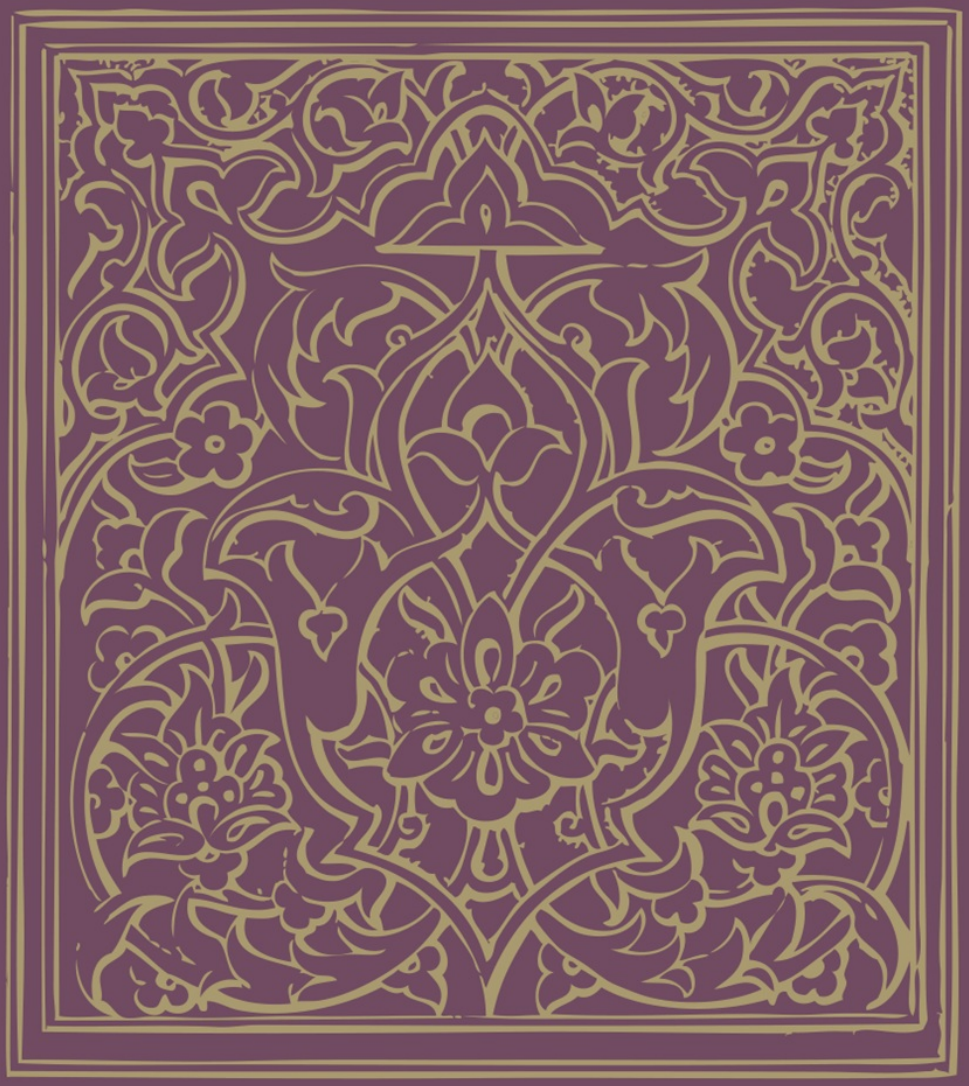
~9~

COLLECTIONS OF FORTY ḤADĪTHS

AL-ARBAʿĪN

Elucidation of the Forty Ḥadīths on Marriage



MUHAMMAD IBN ADAM
AL-KAWTHARI

9

COLLECTIONS OF FORTY ḤADĪTHS

Al-Arbaʿīn

Elucidation of Forty Ḥadīths on Marriage

الإِيْضَاحُ فِي الْأَحَادِيْثِ الْأَرْبَعِيْنَ فِي النِّكَاحِ

MUHAMMAD IBN ADAM
AL-KAWTHARI

TURATH PUBLISHING

Copyright: Turath Publishing 1434/2013
ISBN: 978-1-906949-23-5

Published by:
Turath Publishing
79 Mitcham Road London SW19 9PD
+44 (20) 8767 3666 www.turath.co.uk

All rights reserved. No part of this publication may be reproduced, stored in any retrieval system, or transmitted in any form or by any means, electronic or otherwise, without written permission of the publishers.

Author	Muḥammad ibn Adam al-Kawthari
Editing	Muhammad Ansa
General Editor	Yahya Batha

British Library Cataloguing in Publication Data
al-Kawthari, Muḥammad ibn Adam
Al-Arbaʿīn: Collection of Forty Ḥadīths
I. Title

Cover design	Abdallateef Whiteman (www.cwdm.co.uk)
Design and typesetting	ARM (info@whitethreadpress.com)
Printed by	Megaprinters, Istanbul, Turkey (ahmet@mega.com.tr)

Distributors for UK and Europe
Azhar Academy Ltd.
54–56 Little Ilford Lane +44 (20) 8891 19797
Manor Park sales@azharacademy.com
London E12 5QA www.azharacademy.com

Distributors for America and Canada
White Thread Press
www.whitethreadpress.com
inf@whitethreadpress.com

Distributors for South Africa
Darul-Ihsan Research and Education Centre
www.darulihsan.com +27 (31) 577 7868
motala.m@darulihsan.com +27 (31) 577 6012 (fax)

CONTENTS

Publisher's Preface

Author's Introduction

Encouragement to Marry

Central Objectives of Marriage

Selecting a Suitable Spouse

Looking at a Prospective Spouse

Marriage without Guardian Approval

Forced and Arranged Marriages

Time-limited and Temporary Marriages

Proposing Marriage

Prenuptial Agreements

The Marriage Ceremony

The Marriage Payment/Dower

The Sunna of the Wedding Feast

Simplicity in Weddings

Rights and Privileges of a Wife

Rights and Privileges of a Husband

Polygyny and Treatment of Multiple Wives

PUBLISHER'S PREFACE

In the name of Allāh, the Most Clement, the Ever Kind. All praise belongs to Allāh, Lord of the worlds, and may peace and blessings be invoked upon Muḥammad, His chosen one, and upon his family and companions, one and all.

The tradition in Muslim religious literature of gathering collections of forty ḥadīth dates to as far back as the second century after the Hijra. ʿAbd Allāh ibn al-Mubārak al-Marwazī (d. 181 ah) is thought to be the first to have done so, and his lead was followed by later ḥadīth scholars such as Muḥammad ibn Aslam aṭ-Ṭūsī (d. 242 ah), al-Ḥasan ibn Sufyān al-Fasawī (d. 303 AH), and many others. Perhaps the most well-known collection is that of Imām an-Nawawī (d. 676 AH) which has been translated into English and on which there exist several commentaries including Ibn Rajab's exhaustive *Jāmiʿ al-ʿulūm wa al-hikam*, published in translation by Turath Publishing in 2007.

The practice of gathering forty ḥadīths springs from a Tradition narrated through several Companions that puts the spiritual rank of religious scholarship within reach of the ordinary believer: "Whoever memorises forty narrations for my Nation in matters of this religion, Allāh will raise him up as a scholar and I shall be an

intercessor and a witness for him on the Day of Rising." The narrators of the various versions of this ḥadīth include illustrious names such as ʿAlī ibn Abī Ṭālib, ʿAbd Allāh ibn Masʿūd, Muʿādh ibn Jabal, Abū al-Dardā', Ibn ʿUmar, Ibn ʿAbbās, Anas ibn Mālik, Abū Hurayra, and Abū Saʿīd al-Khudrī, may Allāh be pleased with them all.

This series sets out to present various subjects in the format of the *Arbaʿin*, collections of forty ḥadīth, as compiled by some of the greatest scholars of Islam of the past. For this particular Arbaʿīn, we have departed from our usual methodology of translating classical works and instead commissioned a contemporary and very able scholar, Mufti Muḥammad ibn Adam al-Kawthari, to compile a new *Arbaʿīn* on the subject of marriage. This topic in particular is one that has imposed new demands on the current generation of Muslims and, as such, requires a treatment that acknowledges the stresses and strains that modern society places on the institution of marriage.

With this collection, Shaykh Muḥammad ibn Adam addresses questions on the purpose and significance of marriage, and tackles more controversial areas including forced marriage, marrying without the permission of one's parents, and domestic violence. The ḥadīths are supplemented by a generous commentary which goes beyond a simple explanation of the wording of the ḥadīth to include discussions on how the ḥadīth is to be operationalised, or put into practice, and what implication it has on marital life. Practical application is thus a central element of this particular collection.

It is hoped that this collection will apprise the reader of the teachings of the Prophet (Allāh bless him and give him peace) on marriage, and provide guidance on how to preserve this wisdom in an age hostile to the very notion of family.

YAHYA BATHA

AUTHOR'S INTRODUCTION

IN THE NAME OF ALLĀH, the Most Merciful, the Most Compassionate.

All praise belongs to Allāh, the Lord of the worlds, the Sustainer of the heavens and earths, the Director of all creation, the Dispatcher of the Messengers (peace and blessings of Allāh be upon all of them) to legally responsible beings, to guide them and to explain the religious laws with clear proofs and undeniable arguments. I praise Him for all of His bounties, and I ask Him for increase in His grace and generosity. I bear witness that none is worthy of worship save Allāh alone, who has no partner; the One, the Subduer, the Generous, the Forgiving. I bear witness that our Master Muḥammad is His servant and Messenger, and His beloved and dear one; the best of all creation, the one honoured with the Glorious Qur'ān—an enduring miracle throughout the ages—and the illuminating *sunna* for the seekers of guidance. Our Master Muḥammad has been particularised with eloquence, pithy speech and simplicity in religion. May peace and blessings of Allāh be upon him, and on all the Prophets and Messengers and on their families, and on all of the righteous.

The eminent seventh century expert of ḥadīth sciences (*muḥaddith*) and jurist (*faqīh*) Imām Nawawī (Allāh have mercy on

him) relates a ḥadīth in the introduction to his famous collection of Forty ḥadīths (*Arbaʿīn*) that the Messenger of Allāh ﷺ is reported to have said, “Whoever preserves for my community (*umma*) forty ḥadīths relating to their religion, Allāh will raise him on the Day of Judgment in the company of jurists and scholars.” In other versions, he said, “. . . Allāh will raise him as a jurist and scholar” and “. . . I shall be an intercessor and witness for him on the Day of Judgment.”

This ḥadīth, with its many textual variants, is related from several Companions through multiple chains of transmission—all individually considered weak (*ḍaʿīf*) by ḥadīth experts. However, due to the agreement of scholars upon the permissibility of acting on weak narrations that relate to virtuous actions (*faḍā’il*), the compilation of forty ḥadīths (known as *Arbaʿīn*) has been a practice of many classical scholars and ḥadīth Imāms, with each having a different theme. Scholars such as Imām Abdullāh ibn al-Mubārak, Imām Dāraquṭnī, al-Ḥākim, Mulla ʿAlī al-Qārī, Imām Suyūṭī, Imām Nawawī (his collection perhaps being the most well-known) and countless others composed works in the hope of attaining the reward promised by the Messenger of Allāh ﷺ in the aforementioned ḥadīth.

Following in their footsteps, these are forty Prophetic narrations which I have collected and provided commentary upon, concerning a subject that affects most of us—if not all: marriage. With this, I too hope and desire that Allāh Most High, out of His grace and

generosity, blesses me and the readers with that which is promised in the various versions of the ḥadīth, *Āmīn*.

Some points about this collection:

1. All forty ḥadīths have been selected from the six well-known major ḥadīth collections (commonly known as *al-Kutub al-Sittah*), namely, the *Ṣaḥīḥ* compilations of Imām Bukhārī and Imām Muslim; and the *Sunan* compilations of Imām Tirmidhī, Imām Abū Dāwūd, Imām Nasā'ī and Imām Ibn Mājah. References have been provided for every ḥadīth, sufficing—in most cases—with *Bukhārī* and *Muslim* if the ḥadīth is contained in either or both of the two collections.

2. Hadīths have been carefully chosen for purposes of practical implementation.

3. The ḥadīths are systematically presented under various chapter headings covering the various aspects of marriage. Commencing with the significance of marriage and the encouragement to marry, the ḥadīths deal with issues such as selecting a suitable spouse, the role of a legal guardian, forced marriages, arranged marriages, engagement, marriage contracts and wedding feast; and conclude with the rights and responsibilities of the spouses and polygyny.

4. Only ḥadīths classified as rigorously authenticated (*ṣaḥīḥ*) or sound (*ḥasan*) have been included—avoiding those considered as weak (*daʿīf*). The actual grade is provided after every ḥadīth (whether *ṣaḥīḥ or ḥasan*), with the exception of those recorded by *Bukhārī* and *Muslim*, since *all* their ḥadīths are considered *ṣaḥīḥ* by

ḥadīth experts. Moreover, the grading and classification is based on the verdicts of major classical ḥadīth Imāms.

5. The comments on the ḥadīths are based on the various well known encyclopaedic commentaries of ḥadīth collections—such as Imām Ibn Ḥajar's commentary on *Ṣaḥīḥ al-Bukhārī*, Imām Nawawī's and Shaykh Shabbir Ahmad Usmani's commentaries on *Ṣaḥīḥ Muslim*, and Shaykh Taqi Usmani's commentary on *Sunan al-Tirmidhī* —as well as many other works. However, references to these sources have not been cited, given the nature of this short and simple compilation.

Finally, I would like to thank all those who have assisted me in any capacity to make this work come to fruition—their reward is with Allāh. I pray that we be granted divine guidance (*tawfīq*) to build a strong connection with the Messenger of Allāh and his *sunna*. Upon Allāh is my reliance and to Him do I entrust my affairs. To Him belongs all Praise and Grace; and from Him is guidance and protection.

MUHAMMAD IBN ADAM AL-KAWTHARI
Darul Iftaa, Leicester, UK

التَّرْغِيْبُ فِي النِّكَاحِ

ENCOURAGEMENT TO MARRY

Ḥadīth 1

عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ لَنَا رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَا مَعْشَرَ الشَّبَابِ، مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وِجَاءٌ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ وَاللَّفْظُ لِمُسْلِمٍ

Abdullāh ibn Masʿūd ﷺ relates, “The Messenger of Allāh ﷺ said to us, ‘O group of young men! Whoever amongst you possesses the means should marry, for it helps lower the gaze and safeguard the private parts. Whoever is unable to [marry] should fast, for it is a shield for him.’” (*Bukhārī* 4779 and *Muslim* 1400; the wording is of *Muslim*)

Commentary: This ḥadīth affirms the importance of marriage for a believer. The Messenger of Allāh ﷺ not only encouraged marriage

verbally, such as in this ḥadīth, but in practice too. The term *bā'a* (to possess the means) refers to the financial and other means necessary for marriage. However, it does not necessarily entail owning a property, car and other luxuries or having a highly paid job; rather, being able to afford the minimum dower (*mahr*) and the capacity to support one's wife financially is sufficient. Regrettably, high expectations and demands in Muslim societies delay marriages thus opening the doors for sinful activities. Minimising one's expectations and avoiding self-imposed restrictions allows young people to marry early, thereby safeguarding them from the temptation of sin.

Furthermore, the command to marry in the ḥadīth can either be a command of obligation (*wujūb*) or of recommendation (*nadb*), depending on one's circumstances. The jurists (*fuqahā'*) have divided the 'ruling of marriage' into five categories:

1. Obligatory (*farḍ*), when there is an overwhelming level of sexual desire, such that one is "convinced" of committing unlawful sexual intercourse. This is provided one does not fear being oppressive to one's spouse and, for the man, possesses the basic financial means to support one's wife.

2. Necessary (*wājib*), when there is an overwhelming level of sexual desire, such that one "fears" committing unlawful sexual intercourse, or one is convinced or fears committing other sinful activities; such as casting lustful gazes, watching pornography and masturbating. This is provided one does not fear being oppressive to

their spouse and, for the man, possesses the basic financial means to support one's wife.

3. Prohibitively Disliked (*makrūh taḥrīm*), when one "fears" being oppressive to their spouse, even if there is an overwhelming level of sexual desire.

4. Unlawful (*ḥarām*), when one is "convinced" of being oppressive to their spouse, even if there is an overwhelming level of sexual desire.

5. *Sunna* and rewarding, when one is in a moderate state, such that sexual desire is not overwhelming like in the first two categories, nor does one fear being oppressive as in the second two categories. Some classical jurists consider marriage to be merely permitted (*mubāḥ*) in this situation. Thus, according to them, devoting oneself to worship and other noble activities is superior to marriage.

Finally, if one is unable to marry due to genuine financial constraints or one fears being oppressive and unjust to one's spouse, the Prophetic guidance in the ḥadīth is to fast as much as possible. This is not merely fasting for the sake of it, but refers to generally eating and drinking less in order to properly curtail one's sexual urges.

Ḥadīth 2

عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ يَقُوْلُ: جَاءَ ثَلَاثَةُ رَهْطٍ إِلَى بُيُوْتِ أَزْوَاجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْأَلُونَ عَنْ عِبَادَةِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَلَمَّا أُخْبِرُوْا كَأَنَّهُمْ تَقَالُّوْهَا فَقَالُوْا: وَأَيْنَ نَحْنُ مِنَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ قَدْ غَفَرَ اللّٰهُ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ وَمَا تَأَخَّرَ، قَالَ أَحَدُهُمْ: أَمَّا أَنَا فَإِنِّيْ أُصَلِّي اللَّيْلَ أَبَدًا، وَقَالَ آخَرُ: أَنَا أَصُوْمُ الدَّهْرَ وَلَا أُفْطِرُ، وَقَالَ آخَرُ: أَنَا أَعْتَزِلُ النِّسَاءَ فَلَا أَتَزَوَّجُ أَبَدًا، فَجَاءَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: أَنْتُمُ الَّذِينَ قُلْتُمْ كَذَا وَكَذَا؟ أَمَا وَاللَّهِ إِنِّيْ لَأَخْشَاكُمْ لِلَّهِ وَأَتْقَاكُمْ لَهُ لَكِنِّيْ أَصُوْمُ وَأُفْطِرُ وَأُصَلِّيْ وَأَرْقُدُ وَأَتَزَوَّجُ النِّسَاءَ، فَمَنْ رَغِبَ عَنْ سُنَّتِيْ فَلَيْسَ مِنِّيْ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ وَاللَّفْظُ لِلْبُخَارِيِّ

Anas ibn Mālik ﷺ relates that a group of three men came to the houses of the wives of the Messenger of Allāh ﷺ asking about the worship of the Messenger of Allāh ﷺ. When they were told [about how he worshiped], it was as if they deemed it little, and thus said, “Where are we in relation to the Messenger of Allāh ﷺ, whose past and future wrong actions have been forgiven by Allāh?” One of them said, “As for me, I will pray the whole night forever.” Another said, “I will fast all the time without missing a day.” The other said, “I will stay away from women and never marry.” The Messenger of

> Allāh ﷺ came and said, “Are you the ones who said such-and-such? By Allāh, I am the most fearful of Allāh and most conscious of Him among you, yet I fast and [at times] I don’t fast, I pray and I sleep, and I marry women. So whoever turns away from my way (*sunna*) is not from me.” (*Bukhārī* 4776 and *Muslim* 1401; the wording is of *Bukhārī*)

Commentary: Marriage could not have been emphasised more emphatically as it is in this Prophetic ḥadīth. Marriage is an act of worship, a means of attaining proximity to the Lord and a beautiful way of not only our Messenger ﷺ but all of the Prophets (peace be upon them). Only two Prophets, ʿĪsa and Yaḥyā (peace be upon both), did not marry, and it is our belief that ʿĪsa (peace be upon him) will marry and have children after his return to the earth.

Moreover, the Messenger of Allāh ﷺ is removing the erroneous notion that marriage, intimacy with one’s spouse, having children, eating, sleeping and other mundane activities are somehow contradictory to religiosity and God-consciousness. On the contrary, marriage allows one to become more devout, and safeguard half of one’s faith—as mentioned in the ḥadīth recorded by Aḥmad.

The meaning of “Whoever turns away from my way is not from me” is that if one avoids marriage without genuine reason, one would not be following the Prophetic way. If this is coupled with outright rejection, belittling the Prophetic way, and considering one’s way to be better than the Prophetic way, then the meaning of “he is not from me” would be “he is no longer from my faith,”

because behaving in this way constitutes disbelief (*kufr*). As for when one has a genuine reason to avoid marriage, such as being unable to find a suitable spouse, or the lack of desire and so electing instead to devote oneself to other noble activities, the censure described in the ḥadīth does not apply to one.

Ḥadīth 3

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا صَرُوْرَةَ فِي الْإِسْلَامِ. رَوَاهُ أَبُوْ دَاوُدَ

> Abdullāh ibn ʿAbbās ﷺ relates that the Messenger of Allāh ﷺ said, “There is no celibacy in Islam.” (*Abū Dāwūd* 1726—classified as *ṣaḥīḥ*)

Commentary: The term *ṣarūra* can either mean remaining a celibate for all of one’s life or not performing the ritual of *ḥajj* during one’s lifetime despite having the means to do so—both coming from its root meaning in Arabic which is to abstain from something. Nevertheless, in view of the first meaning, it is clear that celibacy and monasticism are not considered to be virtuous in Islam, as opposed to Catholicism and some other faiths where celibacy is indispensable for spiritual perfection. In fact, Islam takes the middle and sensible path between two extremes.

On one hand, it recognises the human need for sexual intimacy and thus disapproves the extreme monastic vows of perpetual celibacy and solitude. Fulfilling one's sexual desires in a lawful manner is not associated with inherent evil, guilt or sin; neither is it a hindrance to spiritually. In fact, Islam believes that fulfilment of sexual needs within marriage actually helps one's spiritual growth. This is the reason sexual intimacy with one's spouse is considered a form of charity. Celibacy denies the natural disposition (*fitra*) upon which Allāh Most High created human beings. Thus, Islam is a practical religion where one's sexual needs may be fulfilled in a lawful manner. Marriage is also a social necessity because through it families are established—and the family is the fundamental unit of our society.

On the other hand, Islam does not allow its followers to fulfil their sexual desires in any manner they may deem fit. It does not accept the concept of free casual sex; instead it demands from its followers to control and regulate their desires to protect their dignity and not become like animals. It does not teach its followers to suppress their sexual needs, rather to fulfil them, but in a responsible way—and marriage is the only legitimate way of indulging in intimacy.

Ḥadīth 4

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَمْ نَرَ لِلْمُتَحَابَّيْنِ مِثْلَ النِّكَاحِ. رَوَاهُ ابْنُ مَاجَهْ

ʿAbdullāh ibn ʿAbbās ﷺ relates that the Messenger of Allāh ﷺ said, "There is nothing for the two who love one another like marriage." (*Ibn Mājah* 1847—classified as *ṣaḥīḥ*)

Commentary: The meaning of this ḥadīth is that there is nothing better in creating true, lasting love between two people, and increasing that love, than the tie of marriage. True love is that which results from marriage; whereas sexual attraction outside of it is nothing but lust. Through marriage, love increases and becomes stronger each day; whilst lust decreases with the passing of time, with fornication leading only to anguish in this life and the next.

This ḥadīth also answers the oft-asked question: "How can you love someone without getting to know them and having feelings for them prior to marriage?" Islam teaches us that marriage creates love between the spouses and then increases it, and without marriage feelings are artificial and will die out as time passes. There is no guarantee that getting to know one another before marriage will result in a blissful marital life together. On the contrary, the pretentious behaviour prior to marriage will have a deep, negative impact when the couple do settle down to the serious task of creating a home and investing in it all the love and warmth that fills any happy and cheerful home. As someone once said, "In the West

they say love is a madness that ends with marriage, but in Islam we say that love is a madness that only begins after marriage!”

This does not, however, mean that one should marry without giving any consideration whatsoever. On the contrary, Islam emphasises that one looks at a potential spouse to determine whether one is attracted to them or not, and ensure one is happy with their character traits. When one is satisfied with the external and internal beauty of a potential spouse, it is wrong to avoid marriage simply due to the absence of feelings in the heart. Feelings and love for one’s spouse will materialise with the blessed and *sunna* act of marriage, provided it is conducted in accordance with the guidance of the beloved of Allāh —both in outward form and inward realities.

أَهَمُّ مَقَاصِدِ النِّكَاحِ

CENTRAL OBJECTIVES OF MARRIAGE

Ḥadīth 5

عَنْ مَعْقِلِ بْنِ يَسَارٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنِّيْ أَصَبْتُ امْرَأَةً ذَاتَ حَسَبٍ وَجَمَالٍ وَإِنَّهَا لَا تَلِدُ أَفَأَتَزَوَّجُهَا؟ قَالَ: لَا، ثُمَّ أَتَاهُ الثَّانِيَةَ فَنَهَاهُ، ثُمَّ أَتَاهُ الثَّالِثَةَ فَقَالَ: تَزَوَّجُوْا الْوَدُوْدَ الْوَلُوْدَ، فَإِنِّيْ مُكَاثِرٌ بِكُمُ الْأُمَمَ. رَوَاهُ أَبُوْ دَاوُدَ وَالنَّسَائِيُّ

Maʿqil ibn Yasār ﷺ relates that a man came to the Messenger of Allāh ﷺ and said, “I have found a woman of rank and beauty, but she is unable to give birth; shall I marry her?” The Messenger of Allāh ﷺ said, “No.” He came to him again but he still refused. He came to him the third time and the Messenger of Allāh ﷺ said, “Marry women who are loving and fertile, for I shall outnumber the [other] nations by you.” (*Abū Dāwūd* 2043 and *Nasā’ī* 3227—classified as *ṣaḥīḥ*)

Commentary: Out of the many objectives of marriage, the Messenger of Allāh ﷺ singles out procreation and seeking pious offspring in this ḥadīth. The Qur'ān—as well as the Bible—encourages people to procreate. Allāh Most High says, ". . . Engage in sexual relations with them [i.e. your wives] and seek what Allāh has ordained for you." (Qur'ān 2:187) Many exegetes (*mufassirūn*) of the Qur'ān state that this verse alludes to seeking offspring.

The term *wadūd* refers to an extremely loving woman, and the term *walūd* refers to a woman who has the ability to procreate in abundance. Both these qualities are important in a potential wife. If she has the ability to procreate but does not possess a loving nature, no one will want to marry her; if she does possess a loving nature but not the ability to procreate, the primary objective of marriage will not be achieved. Some scholars hold that the main quality emphasised in the ḥadīth is procreation, as indicated by the subsequent statement of the Messenger of Allāh ﷺ, "For I shall outnumber the nations by you." However, the quality of having a loving nature was added because it inclines one to sexual relations, which is the basis for procreation.

As for how to determine whether a woman possesses these two qualities; if she has been married before, one can look at her past. However, if she has never been married before, one can look at her sisters and close relatives, for closely-related people are generally similar in nature and bodily structure.

Furthermore, despite the importance of seeking pious offspring, it is however only one of many marital objectives, and as such it is

important to keep the rest in mind too. These include: desiring chastity, protecting oneself from indulgence in fornication and other corrupting activities, achieving tranquillity and peace of mind through the company of one's spouse, and caring for and sharing with others.

Finally, it is sinful to ridicule or look down upon those unable to have children. It is from the wisdom of Allāh Most High that He grants offspring to some and not others. Islam teaches us that the creation of life is the prerogative of Allāh alone, hence no matter what means are employed, if Allāh does not wish to grant children, one will never have them. Allāh Most High says in the Qur'ān, "To Allāh belongs the kingdom of the heavens and the earth. He creates what He wills. He grants females to whom He wills, and grants males to whom He wills, or He combines for them couples, both males and females, and makes whom He wills barren. Surely, He is All-Knowing, Very Powerful." (Qur'ān 42:49–50)

الصِّفَاتُ الْمَطْلُوْبَةُ فِي الزَّوْجِ
وَإِسْتِحْبَابُ نِكَاحِ ذَاتِ الدِّيْنِ

SELECTING A SUITABLE SPOUSE

Ḥadīth 6

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:
تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ، لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِيْنِهَا، فَاظْفَرْ
بِذَاتِ الدِّيْنِ تَرِبَتْ يَدَاكَ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "A woman is [normally] married for four reasons: her wealth, her lineage, her beauty, and her religion. So seek the one with religion, may your hands be in dust!" (*Bukhārī* 4802 and *Muslim* 1466)

Commentary: The Messenger of Allāh ﷺ, in this ḥadīth, describes the characteristics generally considered by people when selecting a spouse. Although he talks about marrying women, it can also refer to the characteristics usually sought in a man. People tend to consider these four aspects in a potential wife or husband, with

religion (*dīn*) perhaps being considered at the end. For a practising believer, however, religion should be at the forefront of his or her consideration.

This ḥadīth does not imply that other aspects should be completely ignored; they can be considered, but not at the expense of religion. One may, and should, consider the financial stability, lineage, family background and physical appearance of a potential spouse. In fact, the last one is highly important, since one of the aims of marriage is to acquire chastity through the fulfilment of one's sexual, emotional, and social needs with as much satisfaction as possible. This, obviously, cannot be achieved unless one is attracted to one's spouse—both physically and personally—and this is why it is encouraged to see a potential spouse before entering into marriage. There is nothing wrong with not wanting to marry someone due to the lack of attraction even if they are religious. Likewise, if one has the choice between two people who are equally committed to Islam, there is no bar in preferring the one to whom one is more attracted.

As such, this ḥadīth is merely an admonition for those who give preference to other aspects over religiosity and *dīn*. It also serves as a reminder for parents who insist upon their children marrying someone affluent, with a prestigious degree and a well paid job, or someone from their own caste and culture, despite being religiously corrupt. At times, this is caused by the desire of wanting to maintain the image, pride and the pre-Islamic custom of boasting one's lineage—all of which is denounced by Islam. In such cases, it would

be the child's duty to refuse, with respect and politeness, even if parents insist or try to force him or her, since there is no obedience of parents when it leads to the disobedience of Allāh.

Furthermore, the word *dīn* in the ḥadīth is normally translated as religion, but it has a wider application. *Dīn* does not simply refer to praying, fasting, growing a beard or wearing the veil; rather, it refers to one's entire conduct of life. This includes one's relationship with Allāh, through belief, worship, and following His commands; one's relationship with others, through being good in one's dealings, good character and manners; purifying one's soul from spiritual ailments and diseases; and generally turning to Allāh in all of one's affairs.

The final sentence of the ḥadīth "May your hands be in dust" is not meant literally; rather, it was a phrase used by the Arabs to denote either a mild rebuke or to add emphasis with a touch of playfulness. As such, the meaning would be, "Take heed of this advice; otherwise you will regret it", and Allāh knows best.

Ḥadīth 7

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُوْلَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الدُّنْيَا مَتَاعٌ وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ.

رَوَاهُ مُسْلِمٌ وَالنَّسَائِيُّ وَابْنُ مَاجَهْ واللَّفْظُ لِمُسْلِمٍ

ʿAbdullāh ibn ʿAmr ﷺ relates that the Messenger of Allāh ﷺ said, “The world is a provision, and the best provision of the world is a pious woman.” (*Muslim* 1467, *Nasā’ī* 3232 and *Ibn Mājah* 1855; the wording is of *Muslim*)

Commentary: This ḥadīth encourages a man to seek a righteous and religiously devout woman as a life companion, describing her to be the best provision for him in this life. Nothing in this world is more valuable to a man than a righteous and pious wife, for she helps him seek the pleasure of Allāh—which is the ultimate goal of every believer. This is reiterated in another ḥadīth recorded by *Ḥākim* and classified as *ṣaḥīḥ* by al-Dhahabī, “Whosoever is granted a pious wife by Allāh, Allāh has indeed helped him preserve half of his faith; so let him fear Allāh in the remaining half.”

A pious wife fears Allāh and is fully conscious of her duties towards her husband and children. She preserves her chastity, is obedient and respectful towards her husband, and does not forget to worship her Lord daily and encourages her husband to do the same. She makes her home the centre of love, kindness, eagerness and delight. Religious piety in a wife guarantees her love, respect and obedience, whilst beauty, wealth and other worldly considerations do not last forever, nor do they guarantee anything.

Obviously, this guidance is not restricted to men; women are also encouraged to seek a righteous and religiously devout man as a husband. A pious husband fears Allāh and thus treats his wife and children with love and kindness as commanded by Him Most High.

He fulfils his obligations towards his family, ensures to support them with lawful (*halal*) income and strives to help them become better Muslims.

In Surat al-Aḥzāb, Allāh Most High mentions a list of qualities beloved to Him, and thus they should be sought in a potential spouse: “Surely, Muslim men and Muslim women, believing men and believing women, devout men and devout women, truthful men and truthful women, patient men and patient women, humble men and humble women, and the men who give in charity and the women who give in charity, and the men who fast and the women who fast, and the men who guard their private parts [against evil acts] and the women who guard [theirs], and the men who remember Allāh much and the women who remember [Him]—for them, Allāh has prepared forgiveness and a great reward.” (Qur’ān 33:35)

Ḥadīth 8

عَنْ أَبِيْ أُمَامَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ كَانَ يَقُوْلُ:
مَا اسْتَفَادَ الْمُؤْمِنُ بَعْدَ تَقْوَى اللَّهِ خَيْرًا لَهُ مِنْ زَوْجَةٍ صَالِحَةٍ،
إِنْ أَمَرَهَا أَطَاعَتْهُ وَإِنْ نَظَرَ إِلَيْهَا سَرَّتْهُ وَإِنْ أَقْسَمَ عَلَيْهَا أَبَرَّتْهُ وَإِنْ
غَابَ عَنْهَا نَصَحَتْهُ فِيْ نَفْسِهَا وَمَالِهِ. رَوَاهُ ابْنُ مَاجَهْ

> Abū Umāma ﷺ relates that the Messenger of Allāh ﷺ said, "A believer does not derive more benefit [from any other source], after God-consciousness, than from a pious wife. If he commands her, she obeys him; if he glances at her, she pleases him; if he asks her on oath to do anything, she does it; and when he is away from her, she safeguards his interests in regard to her own self and his property." (*Ibn Mājah* 1857—classified as *ḥasan*)

Commentary: This ḥadīth is somewhat self-explanatory and again encourages a man to seek a righteous wife who respects her husband and is obedient to him—as long as this does not entail disobedience to Allāh, and the violation of her own rights. He should seek a wife who will be a means of peace and tranquillity, and extremely faithful towards him in all matters related to their marriage. Naturally, this has to be taken in conjunction with the man fulfilling all of her rights as well.

Ḥadīth 9

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا خَطَبَ إِلَيْكُمْ مَنْ تَرْضَوْنَ دِيْنَهُ وَخُلُقَهُ فَزَوِّجُوْهُ، إِلَّا تَفْعَلُوْا تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ عَرِيضٌ. رَوَاهُ التِّرْمِذِيُّ وابْنُ مَاجَهْ واللَّفْظُ لِلتِّرْمِذِيِّ

> Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "If one, whose religion and character you approve, comes to you with a proposal [for your daughter or sister], marry him off [to her]. If you do not, there will be mischief in the earth and widespread corruption." (*Tirmidhī* 1084 and *Ibn Mājah* 1967; the wording is of *Tirmidhī*—classified as *ḥasan*)

Commentary: The previous ḥadīths discussed marrying women specifically, on the basis of religious piety. In this ḥadīth, however, the Messenger of Allāh ﷺ addresses the guardians and parents of women that they should not reject a proposal from a man whose religious devoutness and good character is satisfactory. Otherwise, if too much emphasis is placed on lineage, physical appearance, wealth, degrees and large sums of dower, marriages will be delayed, thus leading to an increase in fornication, corruption and sinful activities.

The word *fitna* (translated as mischief) can mean a variety of things—such as trial, test, tribulation, mischief and civil strife—meanings derived from its root meaning in Arabic, which is to melt metal ore to remove impurities and bring out any gold if present.

Likewise, a *fitna* in the *dīn* might be a test for an individual to see whether his impurities can also be melted away and his true core values of excellence—such as piety, God-consciousness, patience and sacrifice—can all be allowed to come forth. As such, when marriages are delayed, young people are tried and tested to the limit, especially given the times we live in, and many fall victims to the desires of the lower self (*nafs*).

The 'character' of a man is given a special mention, even though it is included in the general meaning of the word *dīn*, since it has a huge bearing on the marriage. The importance of determining the nature, temperament and social interaction of a prospective fiancé must never be underestimated; and someone possessing evil traits—such as anger, pride, arrogance, jealousy, greed, selfishness, hatred, lying, backbiting, slandering, and the use of foul or obscene language—should be avoided. Making a sensible and informed decision at the outset helps avoid much anguish later on; but, unfortunately, people often fail to realise how serious marriage is until after they get married. In acting upon this Prophetic advice, there is much benefit for us in this life and the next, *Inshā'Allāh*.

Ḥadīth 10

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: تَزَوَّجْتُ امْرَأَةً فَقَالَ لِي رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: هَلْ تَزَوَّجْتَ؟ قُلْتُ: نَعَمْ، قَالَ: أَبِكْرًا أَمْ ثَيِّبًا؟ قُلْتُ: ثَيِّبًا، قَالَ: فَأَيْنَ أَنْتَ مِنْ الْعَذَارَى وَلِعَابِهَا؟ قَالَ شُعْبَةُ: فَذَكَرْتُهُ لِعَمْرِو بْنِ دِينَارٍ فَقَالَ: قَدْ سَمِعْتُهُ مِنْ جَابِرٍ وَإِنَّمَا قَالَ: فَهَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ وَاللَّفْظُ لِمُسْلِمٍ

> Jābir ibn ʿAbdullāh ﷺ relates, "I married a woman," so the Messenger of Allāh ﷺ asked me, "Have you married?" I answered, "Yes." He asked, "A virgin or a non-virgin?" I said, "A non-virgin." He said, "Why did you turn aside from a virgin with whom you could play?" Shuʿba [one of the narrators] says, "I mentioned this to ʿAmr ibn Dinār who said, 'I heard this from Jābir that the Messenger of Allāh ﷺ said to him, "Why not a virgin girl, that you might play with her, and she with you?"' (*Bukhārī* 4792 and *Muslim* 1466; the wording is of *Muslim*)

Commentary: This story of Jābir ﷺ, recorded in many collections with minor differences, is full of benefits and practical lessons. In fact, separate treatises have been written by scholars on this one ḥadīth alone!

Upon being informed by Jābir ﷺ that he had contracted marriage with a non-virgin older woman, the Messenger of Allāh ﷺ

suggested that marrying a young virgin woman would have been better in order to fully enjoy the benefits of marriage. In one authentic version, the Messenger of Allāh ﷺ said to him, “Why not a virgin girl, so that you could make her laugh, and she could make you laugh?” In another variant, he ﷺ said, “Why not a virgin girl, so that you could bite her [playfully!], and she could bite you?” The Messenger of Allāh’s ﷺ statement in this version, “Why did you turn aside from a virgin with whom you could play?” can also be read as, “Why did you turn aside from a virgin and her saliva?” If the Arabic wording is read as “*liʿabiha*” it would mean playing, and if it is read as “*luʿabiha*” it would mean enjoying her saliva (i.e. passionate kissing). The point being made with all these statements to Jabir ﷺ—and, by extension, all young men of this *ummah*—is that it is preferable, if possible, to opt for a virgin, young, loving, and playful wife, so that both spouses can enjoy their union and be fully satisfied due to their youthfulness, vitality and added enthusiasm. A previously married older woman may not be as enthusiastic and loving, and her heart may possibly be still attached to her previous husband.

None of this implies that non-virgins should not at all be married. In fact, in some cases due to other factors, it may even be superior to marry a previously married, widowed or older woman. For example, if a man has a choice between marrying a young virgin but Islamically corrupt woman and a righteous widow, there is no doubt he should choose the latter. This is why the Messenger of Allāh ﷺ commended Jābir ﷺ, after he explained his reasons for

choosing a non-virgin older woman, and made *duʿā* for him. In one version of this ḥadīth, Jābir ﷺ said, “O Messenger of Allāh! My father died a martyr at *Uḥud*, leaving behind daughters; so I did not wish to marry a young girl like them, but an older one who could take care of them and look after them.” The Messenger of Allāh ﷺ replied, “You have made the correct choice. . .” This is further confirmed by the fact that the Messenger of Allāh ﷺ himself married many non-virgin women. His beloved first wife Khadīja ﷺ was not only a non-virgin, but much older than him too.

As such, there is nothing wrong with marrying a previously married older woman; rather, one will be rewarded if done with the intention of caring and looking after a needy slave of Allāh and her offspring. The stigma of remarrying after divorce or the death of one’s spouse, whether one is a man or woman, is cultural and has nothing to do with Islam. This attitude, which virtually excludes these women from a normal social life and a second chance at a life of dignity, must be shunned and combated in the most decisive of manners.

Ḥadīth 11

عَنْ عُوَيْمِ بْنِ سَاعِدَةَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: عَلَيْكُمْ بِالْأَبْكَارِ فَإِنَّهُنَّ أَعْذَبُ أَفْوَاهًا وَأَنْتَقُ أَرْحَامًا وَأَرْضَى بِالْيَسِيْرِ. رَوَاهُ ابْنُ مَاجَهْ

ʿUwaym ibn Sāʿida al-Anṣārī ﷺ relates that the Messenger of Allāh ﷺ said, "Marry virgins, for they have sweeter mouths, more productive wombs and are more content with little." (*Ibn Mājah* 1861—classified as *ḥasan*)

Commentary: Like the previous ḥadīth, this one also encourages a man to seek a young virgin woman for marriage; but again, it should be understood in the context of what was explained previously. The Messenger of Allāh ﷺ cites three characteristics normally found in virgins, and thus these attributes are what one should seek in a potential spouse.

The first attribute of having sweet mouths refers to good speech and the use of a soft sweet tone when speaking with one's spouse. It also refers to safeguarding one's tongue from sins such as slandering, swearing, cursing, constant reminding of favours done on others, insulting, being disrespectful, constant nagging, lying, backbiting, tale-baring, arguing, and generally using vulgar language. How many relationships have become unpleasant and how many marriages have ended due to the constant misuse of the tongue? The tongue is a gift from Allāh Most High and a trust (*amāna*), and thus its proper use must be ensured. It is a delicate

organ of the body, such that it can condemn a person to a lifetime of misery in a matter of a few seconds. Many sacred texts of the Qur'ān and *sunna* talk about the importance of controlling one's tongue. A true believer is one from whose tongue and hands others are safe—in particular the spouse—and a believer in Allāh and the final day only has good things to speak about, otherwise he or she remains silent. In one famous ḥadīth, Hell-fire is promised to women who curse their husbands excessively and are ungrateful towards them. As such, it is important to take this aspect into account when considering marriage, regardless of whether it's a man or woman, because this applies to men just as it applies to women.

The second attribute cited is having a more productive womb. This was discussed in the commentary on ḥadīth five, i.e. men are encouraged to marry women who are fertile, since procreation is one of the important objectives of marriage. However, one must always remain conscious of the fact that the granting of children is ultimately in the hands of Allāh Most High.

The third attribute worth considering in a potential wife is a satisfied and tolerant nature, and being content with little. This relates to everything from financial support to sexual intimacy. One should seek a woman who does not have too many demands, is content with whatever her husband offers her (as long as her basic rights are being fulfilled), happy with whatever her circumstance is, and prepared to sacrifice her happiness for the sake of her husband and the marriage. She should also be one who is innocent and does not constantly complain—verbally or in attitude—in regards to

spending, cohabitation and her other rights. A virgin is normally more easily satisfied than a previously married woman, because she has not experienced married life, and thus will not be in a position to compare.

Being content with little can also apply to men, meaning when a woman is selecting a potential husband, she should seek a man who is not materialistic, greedy and too demanding; a man who is generous, calm and has a forgiving tolerant nature.

Ḥadīth 12

عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ عَنْ أَبِيْهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: خَطَبَ أَبُوْ بَكْرٍ وَعُمَرُ رَضِيَ اللَّهُ عَنْهُمَا فَاطِمَةَ فَقَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّهَا صَغِيْرَةٌ، فَخَطَبَهَا عَلِيٌّ فَزَوَّجَهَا مِنْهُ. رَوَاهُ النَّسَائِيُّ

ʿAbdullāh ibn Burayda relates from his father ﷺ that Abū Bakr and ʿUmar ﷺ proposed marriage to Fāṭima ﷺ, but the Messenger of Allāh ﷺ said, “She is young.” Thereafter, ʿAlī ﷺ proposed marriage to her, and he married her off to him.” (*Nasā’ī* 3221—classified as *ṣaḥīḥ*)

Commentary: This ḥadīth, recorded by Imām Nasā’ī under the chapter heading “A woman marrying someone similar to her in

age," demonstrates the importance of compatibility between spouses in age and—by extension—in personality, family background, interests in life, and so on. In fact, compatibility is one of the most important elements of a prosperous and lasting marriage. In another ḥadīth recorded by *Tirmidhī*, the Messenger of Allāh ﷺ warned against delaying a woman's marriage when a suitable partner is found for her. The Messenger of Allāh ﷺ, in this ḥadīth, compared his beloved daughter Fāṭima's ؓ young age to that of Abū Bakr and ʿUmar ؓ, and then ʿAlī ؓ and thereafter gave her to the latter in marriage. This proves that proximity in age is an important consideration in spouse selection, because it contributes to a healthy, loving and understanding relationship.

However, age is not the only criterion by which a potential spouse should be judged. In fact, it can even be overlooked for higher and nobler goals, as indicated by the Messenger of Allāh's ﷺ marriage to ʿĀ'isha ؓ. When all those proposing Fāṭima ؓ were similar in piety, the Messenger of Allāh ﷺ considered their age. As such, if two prospective spouses are equal in religiosity and character, it is indeed wise to choose the one similar to one's age. But if the one dissimilar in age possesses superior qualities, there is nothing wrong with choosing him or her.

Furthermore, the basic philosophy of having proximity in age is that both spouses are able to understand one another better and be on the same wavelength. If this can be achieved despite a big age-gap, and one pursues other noble attributes, there is nothing wrong

with marrying someone much older or younger than oneself, and Allāh knows best.

Ḥadīth 13

عَنْ عُرْوَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ خَطَبَ عَائِشَةَ إِلَى أَبِيْ بَكْرٍ فَقَالَ لَهُ أَبُوْ بَكْرٍ: إِنَّمَا أَنَا أَخُوْكَ، فَقَالَ: أَنْتَ أَخِيْ فِيْ دِيْنِ اللهِ وَكِتَابِهِ وَهِيَ لِيْ حَلَالٌ. رَوَاهُ الْبُخَارِيُّ

ʿUrwa ﷺ relates that the Messenger of Allāh ﷺ sent a proposal to Abū Bakr ﷺ for ʿĀ'isha's ﷺ hand in marriage, so Abū Bakr said to him, "I am your bother?" The Messenger of Allāh ﷺ said, "You are my brother in the religion of Allāh and His book. She is lawful for me [to marry]." (*Bukhārī* 4793)

Commentary: Imām Bukhārī records this ḥadīth under the chapter heading "Marrying off young people to old people," confirming what we just discussed, i.e. it is perfectly acceptable to marry someone much older or younger when other noble goals are being pursued. The Messenger of Allāh's ﷺ first wife, Khadīja bint al-Khuwaylid ﷺ, was much older than him, whilst ʿĀ'isha bint Abī Bakr ﷺ was much younger than him. This demonstrates that a man may marry a woman much older or younger than him.

ʿĀ’isha was the daughter of the Prophet’s closest friend and devoted companion, Sayyiduna Abū Bakr. The Messenger of Allāh was over fifty years old when she married him, and she soon became his most beloved wife and the only virgin that he ever married. It was an exceedingly happy marriage for both parties, as attested to in the ḥadīth literature, and ordained by God with much wisdom behind it.

Marrying the Messenger of Allāh at an early age allowed ʿĀ’isha to carefully observe the details of his life and convey them to succeeding generations. She became close to the Messenger of Allāh, both spiritually and physically, and thus the marriage prepared her to become an example for all Muslims—especially women—for all times. Allāh Most High had blessed her with great wisdom, intelligence, eloquence in speech and a sharp memory, and she developed into a spiritual teacher and scholar surpassing many other Companions—both men and women—in Islamic scholarship. Not only was she a role model for women, she was also a commentator on the Qur’ān, an authority in ḥadīth and an expert in Islamic Law. A prolific ḥadīth narrator, she narrated approximately 2,210 ḥadīths that gave Muslims valuable insights into the Messenger of Allāh’s daily life and behaviour.

Moreover, her marriage countered the prevalent notion that a man was prohibited from marrying the daughter of someone whom he had declared his brother in a religious sense. When the Messenger of Allāh proposed for ʿĀ’isha, Abū Bakr was under the impression that the marriage was prohibited due to his

close friendship and brotherhood with the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ clarified that religious brotherhood—as demonstrated by the book of Allāh—is unlike the ties of blood, and it was perfectly lawful for him to marry ʿĀ'isha رضي الله عنها.

Ḥadīth 14

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي بِنْتِ حَمْزَةَ: لَا تَحِلُّ لِيْ، يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ، هِيَ بِنْتُ أَخِيْ مِنَ الرَّضَاعَةِ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ واللَّفْظُ لِلْبُخَارِيِّ

ʿAbdullāh ibn ʿAbbās رضي الله عنهما relates that the Messenger of Allāh ﷺ said concerning the daughter of Ḥamza, "She is not lawful for me [to marry], for what is unlawful by lineage is unlawful by suckling. She is the daughter of my foster-brother." (*Bukhārī* 2502 and *Muslim* 1447; the wording is of *Bukhārī*)

Commentary: There are certain types of people with whom marriage is not allowed; hence when considering marriage, it is important to ascertain whether marriage is feasible with the person or not. This issue is a very extensive one and discussed in much detail in classical Islamic jurisprudence under the heading: "Prohibitions in

marriage (*muḥarramāt fīʿl-nikāḥ*).” As such, it is not possible for us to cover all its particulars in this brief collection.

However, in summary, those prohibited to marry fall under two main categories: 1) permanent prohibition; and 2) temporary prohibition due to an external cause, and if the cause is removed, marriage becomes permitted. Permanent prohibition is established in three ways: kinship (*qarāba*), suckling (*raḍāʿa*) and relationship through marriage (*ṣihriyya* or *muṣāhara*). As for temporary prohibition, it comes about due to factors such as the current religion of the potential spouse, a woman being in her waiting period (*ʿidda*) after divorce or death of her husband, and one already being married to the sister of a woman one intends to take on as a second wife.

Permanent prohibition is discussed in the following verse of the Qur’ān: “Prohibited for you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, daughters of brother, daughters of sister, your mothers who suckled you, your sisters through suckling, mothers of your wives, your step-daughters under your care who are born of your women with whom you have had intercourse, though if you have not had intercourse with them, there is no sin on you, and the wives of your sons from your loins. . .” (Qur’ān: 4:23) The verse begins with detailing those with whom marriage is prohibited due to kinship, and then moves on to list those that are prohibited due to suckling and marriage.

In terms of kinship, it is permanently unlawful for a man to marry his mother, maternal grandmother, and on up; his paternal

grandmother, and on up; his daughter, granddaughter, and on down; his sister (whether full or half), his maternal and paternal aunts, and his niece (brother's or sister's daughter). Besides these, marriage with other relatives such as a cousin is permitted.

As for suckling, the verse cites mothers and sisters through suckling as being prohibited, whilst the ḥadīth under discussion elucidates further that suckling has the same implication as that of marriage. As it is unlawful for a woman to marry her real son, she is likewise not allowed to marry a young boy whom she suckles after he grows up. Similarly, if a woman suckles a boy and girl in their infancy, marriage between them is not permitted as they are treated like real siblings in terms of marriage. In the ḥadīth, the Messenger of Allāh points out that he cannot marry the daughter of his foster-brother Ḥamza, for she is to be treated as his real niece.

This ruling, however, is only applied when suckling takes place in the period designated for it—which is two and a half years (according to Imām Abū Ḥanīfa) and two years (according to other jurists). After that, it is of no consequence. The Messenger of Allāh said, in a ḥadīth recorded by *Bukhārī*, "Be careful in determining who your foster-brothers are, for suckling is only [valid if it occurs] from hunger [i.e. in the suckling period]."

As for marriage, once a person marries a woman, her mother (i.e. mother-in-law), grandmother and on up all become permanently unlawful for him, regardless of whether he consummates his marriage or not. Similarly, her daughter (from a previous marriage), granddaughter and on down all become permanently unlawful for

him, but only when he consummates his marriage. Also, it is unlawful to marry the ex-wife of one's son, grandson, and on down, regardless of whether they consummated their marriage or not; and a woman who was previously married to one's father or paternal and maternal grandfather.

As for those with whom marriage is temporarily prohibited, this brief collection does not allow us to go into their details. For more information, one may refer to classical *fiqh* manuals.

النَّظَرُ إِلَى الْمَخْطُوْبَةِ

LOOKING AT A PROSPECTIVE SPOUSE

Ḥadīth 15

عَنِ الْمُغِيْرَةِ بْنِ شُعْبَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ خَطَبَ إِمْرَأَةً فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أُنْظُرْ إِلَيْهَا فَإِنَّهُ أَحْرَى أَنْ يُؤْدَمَ بَيْنَكُمَا. رَوَاهُ التِّرْمِذِيُّ والنَّسَائِيُّ وَابْنُ مَاجَهْ واللَّفْظُ لِلتِّرْمِذِيِّ

> Mughīra ibn Shuʿba ﷺ relates that he proposed marriage to a woman, so the Messenger of Allāh ﷺ said [to him], “Go and look at her, because it is more likely to create love between both of you.” (*Tirmidhī* 1087, *Nasā’ī* 3235 and *Ibn Mājah* 1865; the wording is of *Tirmidhī*—classified as *ṣaḥīḥ*)

Commentary: Given the seriousness of marriage, it is not only permitted but in fact recommended for both men and women to look at the person whom they intend to propose in marriage, even if sexual desire (*ṣhahwa*) is feared. This is provided one is seriously contemplating marriage, and the intention is to fulfil a *sunna*. This ḥadīth is one of many in which the Messenger of Allāh ﷺ

encourages looking at a potential spouse. One may even set up a meeting in which there is an opportunity for both parties to learn about one another, ask questions and generally get a better understanding of aspects related to the piety, religiosity, character, wealth and beauty of the other person. The condition, however, is that they must avoid being alone (*khalwa*), as this is unlawful even if the intention is to marry. Sitting in a room with the door ajar and other family members within the house capable of entering at any point would be sufficient to avoid *khalwa*.

The statement "because it is more likely to create love between both of you" indicates the importance of internal and external attraction for a prosperous, loving and long-term relationship. Looking at a potential spouse and obtaining as much information as possible about them helps avoid disappointment and anguish later on. The eye is the messenger of the heart, and when the eyes meet, the hearts and souls may meet as well. In another ḥadīth recorded by *Muslim*, a man came to the Messenger of Allāh ﷺ and informed him that he had agreed to marry a woman from the Anṣār. The Messenger of Allāh ﷺ said, "Have you seen her?" He replied, "No." He said, "Go and see her, for there is something in the eyes of the Anṣār," meaning that some of them have distinctive eyes which you may not like.

Note that one may look only once at a potential spouse. However, if one is undecided with the first meeting, a second one can be arranged, provided one genuinely believes that marriage is likely. Furthermore, the permission is for looking only. As for

touching the hands or any other body part, this remains impermissible—even if there is no sexual desire.

Ḥadīth 16

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا خَطَبَ أَحَدُكُمُ الْمَرْأَةَ، فَإِنِ اسْتَطَاعَ أَنْ يَنْظُرَ إِلَى مَا يَدْعُوْهُ إِلَى نِكَاحِهَا فَلْيَفْعَلْ، [قَالَ:] فَخَطَبْتُ جَارِيَةً فَكُنْتُ أَتَخَبَّأُ لَهَا حَتَّى رَأَيْتُ مِنْهَا مَا دَعَانِيْ إِلَى نِكَاحِهَا فَتَزَوَّجْتُهَا. رَوَاهُ أَبُوْ دَاوُدَ

> Jābir ibn ʿAbdillāh ﷺ relates that the Messenger of Allāh ﷺ said, “When one of you intends proposing marriage to a woman; if he is able to look at that which will induce him to marry her, he should do so.” [Jabir says], “I proposed to a girl. I used to look at her secretly until I saw of her that which induced me to marry her, so I married her.” (*Abū Dāwūd* 2075—classified as *ḥasan*)

Commentary: This ḥadīth reiterates the importance of looking at a potential spouse. The statement “if he is able to look at that which will induce him to marry her” means considering aspects such as wealth, status, beauty and religion, and does not imply a general

permissibility of looking at any part of the body that may induce a person into marriage. The mainstream opinion of the general body of scholars (*jumhūr*) is that it is permitted for a man to only see the hands and face of the woman whom he intends to propose, as they are not part of her nakedness (*ʿawra*). By looking at the face, he is able to determine her beauty; and by looking at the hands, he is able to determine her body frame. If he wants details concerning other parts of the body, such as the hair, he may ask a female family member to look and describe it to him.

As for Jābir's admission that he would see the girl secretly, it does not imply seeing other than the hands and face. The most that can be said is that he would see her in regular clothes, and not when she was dressed up and prepared for an occasion. This—to see a potential spouse without makeup and in regular clothing—is in fact encouraged. That way, everything you see will be as close to reality as possible.

النِّكَاحُ بِغَيْرِ إِذْنِ وَلِيٍّ

MARRIAGE WITHOUT GUARDIAN APPROVAL

Ḥadīth 17

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
قَالَ: الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا وَإِذْنُهَا
صُمَاتُهَا. رَوَاهُ مُسْلِمٌ وَالتِّرْمِذِيُّ وَأَبُو دَاوُدَ وَالنَّسَائِيُّ وَابْنُ مَاجَهْ

ʿAbdullāh ibn ʿAbbās ﷺ relates that the Messenger of Allāh ﷺ said, "An unmarried woman (*ayyim*) has more right concerning herself than her guardian. A virgin's consent must be sought concerning herself, and her silence implies her consent." (*Muslim* 1421, *Tirmidhī* 1108, *Abū Dāwūd* 2091, *Nasā'ī* 3260 and *Ibn Mājah* 1870)

Commentary: This ḥadīth, along with many other texts of the Qur'ān and *sunna*, is used as evidence by those Imāms and jurists (*fuqahā'*)—such as the Ḥanafīs—who consider an adult woman's marriage to be 'technically valid' without the consent of her legal guardian (*wali*). The term *ayyim* linguistically refers to an unmarried

woman, whether a virgin or previously married non-virgin, and as such it would mean that she has more right than her guardian in managing her personal affairs such as marriage.

The relied upon position in the Ḥanafī school of Islamic law is that if an adult woman marries without the approval of her parents or legal guardian, her marriage is technically valid, provided she marries someone who is a legal match (*kuf'*) to her and her family. If he is not, her marriage would not be valid. As for the details on who is a legal match and who is not, one may refer to classical *fiqh* manuals. In contrast, the Mālikī, Shāfiʿī and Ḥanbalī Schools consider a woman's marriage without her guardian's approval to be invalid from the outset.

It is important to note, however, that the Ḥanafī School does not promote or encourage marrying without parental or guardian approval. Rather, disobeying one's parents is one of the most serious sins in Islam, and as such no school would, and can, allow going against the wishes of one's parents outright. Many Ḥanafī jurists have asserted that it is generally blameworthy to marry without the consent of parents regardless of whether the potential spouse is a legal match or not due to many ḥadīths, such as the subsequent one, emphasising the importance of guardian approval. As such, this acceptability is merely a concession which may be resorted to in situations of need and a blessing for those women who fall victim to their parent's mistreatment and abuse. In cases where parents force their daughter to marry against her wishes—based purely on caste, wealth and other similar preferences—and give more importance to

their personal gains over and above her interests, this ruling can be an important haven. It must not, however, be taken as a standard norm upon which marriages are based.

A woman must first try and convince her parents to allow her to marry according to her own wishes, using intermediaries if need be. If her parents still refuse, and her wish is to marry someone based on religious piety, she may present her case to a knowledgeable, wise and God-fearing scholar who may be able to advise whether she can go ahead and marry without their approval.

The second part of the ḥadīth, concerning a virgin's consent, will be explained in the commentary presented on ḥadīth twenty, *Inshā'Allāh*.

Ḥadīth 18

عَنْ أَبِيْ مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا نِكَاحَ إِلَّا بِوَلِيٍّ. رَوَاهُ التِّرْمِذِيُّ وَأَبُوْ دَاوُدَ وَابْنُ مَاجَهْ

Abu Musa ﷺ relates that the Messenger of Allāh ﷺ said, "There is no marriage without the [consent of the] guardian." (*Tirmidhī* 1101, *Abū Dāwūd* 2078 and *Ibn Mājah* 1880—classified as *ḥasan*)

Commentary: As outlined previously, the position held by most classical jurists—including the Mālikī, Shāfiʿī and Ḥanbalī schools—is that a woman's marriage is completely invalid without the consent of her parents or guardian. Among other evidences, they substantiate their viewpoint by taking this ḥadīth literally. In another ḥadīth, recorded and classified as sound (*ḥasan*) by *Tirmidhī*, the Messenger of Allāh ﷺ said, "A woman who marries without the permission of her guardian, her marriage is invalid, invalid, invalid. . ." This also emphasises the importance of seeking the approval of one's guardian or parents when intending to marry.

As for the Ḥanafī School, it states that both these ḥadīths should be understood in light of other texts, such as the previously mentioned ḥadīth seventeen, which point to the validity of her marriage without guardian approval. As such, both ḥadīths are to be restricted to pubescent (*saghīra*) girls and slave women, whilst adult and free women are excluded from this general ruling due to the evidences favouring the validity of their marriages. A young pubescent girl's marriage is indeed technically invalid without her guardian's approval, but an adult woman's marriage is technically valid.

However, in the absence of a genuine excuse, if an adult woman was to marry without guardian approval, she will be guilty of committing a blameworthy act, and as such the meaning of the Messenger of Allāh's ﷺ statement, "There is no marriage without the guardian" is "There is no *complete* and *blessed* marriage without the consent of the guardian," but the marriage, in of itself, is valid

provided she marries a person who is a legal match to her and her family. But as explained previously, this discussion is solely concerning legal validity, not appropriateness. As for appropriateness, it is blameworthy and against the *sunna*, in normal situations, for a woman to marry without her guardian's approval even according to the Ḥanafi School.

مَنْ زَوَّجَ إِبْنَتَهُ وَهِيَ كَارِهَةٌ

FORCED AND ARRANGED MARRIAGES

Ḥadīth 19

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ جَارِيَةً بِكْرًا أَتَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرَتْ أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ كَارِهَةٌ فَخَيَّرَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. رَوَاهُ أَبُوْ دَاوُدَ وَابْنُ مَاجَهْ

ʿAbdullāh ibn ʿAbbās ﷺ relates that a virgin girl came to the Messenger of Allāh ﷺ and said that her father had married her off against her will, so the Messenger of Allāh ﷺ gave her a choice [to separate]. (*Abū Dāwūd* 2089 and *Ibn Mājah* 1875—classified as *ṣaḥīḥ*)

Commentary: This ḥadīth categorically rejects the notion held that Islam advocates, or at least tolerates, forced marriage. At the outset, it is important to understand that a forced marriage is not the same as arranged marriage, although force can hide behind the facade of an arranged marriage. In an arranged marriage, parents and other family members are used as a marriage agency, but it cannot take

place without the full consent of both partners. An arranged marriage is not necessarily recommended in Islam and neither disliked; but given the sophisticated nature of modern-day societies, it may be a good idea to seek the assistance and counsel of one's family and friends prior to making such an important life-changing decision. A forced marriage, however, is where one or both partners are coerced into marriage against their will.

In the ḥadīth, when a virgin (non-previously married) woman complained that her father had coerced her into marriage, the Messenger of Allāh ﷺ allowed her to exercise her choice to either remain in the marriage or separate from her husband. In another ḥadīth, recorded by *Tirmidhī*, *Abū Dāwūd* and others with a sound (*hasan*) chain of transmission, the Messenger of Allāh ﷺ said, "An orphan [adult] girl must be consulted concerning herself; her remaining silent is an indication of her consent, but if she declines, there is no authority [of the guardian] over her." Furthermore, Imām Bukhārī relates a ḥadīth from Khansā' bint Khidhām al-Anṣāriyya, who had been previously married, under the chapter on the invalidity of a man giving his daughter away in marriage against her will. He relates that her father married her off against her will and so she went to the Messenger of Allāh ﷺ who cancelled her marriage. Similarly, a young woman came to the Messenger of Allāh ﷺ and said, "My father married me off to my cousin to raise his social standing and I was forced into it." The Messenger of Allāh ﷺ sent for her father and in his presence gave her the option to remain married or have the marriage nullified. She responded, "O

Messenger of Allāh, I have accepted my father's action; I only wanted women to realise that they cannot be forced into marriage!" (*Nasā'ī* and *Ibn Mājah*)

All these ḥadīths clearly establish that neither the father, nor a legal guardian, have a right to coerce an adult woman (or man) into marriage, whether she had been married previously or not. She has a full right to choose or agree to the person she marries, for the obvious reason that he will be her life-companion and protector for the rest of her life. She has a full right to refuse if she dislikes someone due to his lack of religiousness, character, personality or some other reason; and if she continues to refuse, and her parents marry her off against her wish, the marriage is not valid. However, if she consents, even if under duress, it will stand, although her parents will be sinful for having wronged her. In such cases, it is always good to be open-minded and sincerely consider the recommendation of one's parents. If one does conclude that the suitor in question is not suitable, one may decline but in a respectful and non-confrontational manner.

It is a shame that forced marriages are still prevalent within certain Muslim communities and, at times, justified in the name of Islam, giving large sections of the media ammunition to malign the pure teachings of Islam. Physical force, relentless pressure and emotional blackmail are all used as tools in coercing children into accepting a suitor even if he or she is not in any way suitable. Those who practice this pre-Islamic distasteful tradition need to realise

that they are simply following localised cultures and not Islam, and will have to answer for their actions in the hereafter!

Ḥadīth 20

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا تُنْكَحُ الْأَيِّمُ حَتَّى تُسْتَأْمَرَ وَلَا تُنْكَحُ الْبِكْرُ حَتَّى تُسْتَأْذَنَ، قَالُوْا: يَا رَسُوْلَ اللهِ وَكَيْفَ إِذْنُهَا؟ قَالَ: أَنْ تَسْكُتَ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

> Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "A previously married woman should not be married off until she is consulted, and a virgin woman should not be married off until her permission is sought." They [the Companions] asked, "O Messenger of Allāh, how does she give permission?" He replied, "That she remains silent." (*Bukhārī* 4843 and *Muslim* 1419)

Commentary: This ḥadīth, recorded by Imām Bukhārī under the chapter heading "Neither a father nor anyone else is allowed to give a virgin or previously married woman in marriage without her consent" reinforces the impermissibility of forced marriages. Despite the term *ayyim* linguistically referring to any woman who is unmarried, it is to be restricted to a previously married one, since it

appears in opposition to a virgin. As such, the ḥadīth teaches us that both virgin and previously married women need to be consulted by their guardians before marriage, although there is a slight difference in the manner in which permission is sought from both types of women.

In terms of a previously married non-virgin woman, it is necessary to seek her explicit spoken approval. As for a virgin girl, her silence and non-refusal is sufficient. This distinction is due to the fact that a virgin is normally shy and withdrawn, and may be hesitant in making her feelings known verbally—especially in the presence of her parents. A previously married woman, on the other hand, is typically bolder, since she has experienced marriage before. Given the times we live in, it is best to acquire clear and explicit permission from a virgin girl as well—to avoid any future denial or disagreement—and even better if consent is obtained in writing and that she dates and signs; and Allāh knows best.

نِكَاحُ الْمُؤَقَّتِ وَالْمُتْعَةِ

TIME-LIMITED AND TEMPORARY MARRIAGES

Ḥadīth 21

عَنْ عَلِيِّ ابْنِ أَبِيْ طَالِبٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُوْلَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ وَعَنْ أَكْلِ لُحُوْمِ الْحُمُرِ الْإِنْسِيَّةِ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

> ʿAlī ibn Abī Ṭālib ﷺ relates that on the day of [the battle of] Khaybar, the Messenger of Allāh ﷺ forbade contracting temporary marriages with women and eating the meat of domesticated donkeys." (*Bukhārī* 3979 and *Muslim* 1407)

Commentary: One of the conditions of a valid marriage contract, which consists of the spoken offer (*ijāb*) and acceptance (*qabūl*), is that it be left unconditioned by time limits, such as a week, five months or ten years. If a time is specified, whether short or prolonged, after which it is understood that the marriage will be automatically terminated (*mu'aqqat*)—or if both parties agree to divorce after a certain period of time—the marriage contract is invalid (*bāṭil*). The same rule applies to a temporary marriage

(*mutʿa*) where a man says to a woman, “I will enjoy you for such-and-such time in return for such-and-such amount of money.”

Temporary marriages are prohibited and considered invalid by absolute scholarly consensus (*ijmaʿ*) due to many decisive texts, including this ḥadīth. They were permitted in the beginning of Islam, then abrogated, then permitted again for a short while, and then abrogated forever. Rabīʿ ibn Sabra al-Juhanī relates from his father that the Messenger of Allāh ﷺ prohibited the contracting of a temporary marriage and said, “Behold, it is forbidden from this very day of yours until the Day of Judgement. And he who has given something [as a dower] should not take it back.” (*Muslim* 1406) As such, the prohibition is final, and there is no difference of opinion on this amongst classical scholars, with the exception of some groups from the Shīʿa community. The Shīʿa position, according to the Sunni understanding, holds no scholarly weight and is based on an erroneous understanding of the Qur’ānic texts.

As for when there is no explicit mention of the marriage being limited to a specified time, but one or both parties *intend* on having the marriage terminated sometime in the future, the position of the mainstream body of classical scholars (*jumhūr*) is that, although such a marriage is valid and the couple will not be guilty of engaging in a illicit relationship, it is nevertheless disliked and inadvisable. Marrying with the intention of divorce goes against the very essence of marriage, which is to establish a long-term family relationship as a means of bringing comfort and joy to one another and raising righteous Muslim children. In such cases, the couple will

be obliged to maintain their marriage and not terminate it in accordance with their premeditated intention. If divorce is intended by one party only without notifying the other, then this undoubtedly is a grave sin, because it entails harming and deceiving one's spouse, both of which the Messenger of Allāh ﷺ condemned in the strongest of words.

الخِطْبَةُ وَأَحْكَامُهَا

PROPOSING MARRIAGE

Ḥadīth 22

عَنْ ثَابِتٍ الْبُنَانِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ عِنْدَ أَنَسٍ وَعِنْدَهُ ابْنَةٌ لَهُ، قَالَ أَنَسٌ: جَاءَتْ إِمْرَأَةٌ إِلَى رَسُوْلِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَعْرِضُ عَلَيْهِ نَفْسَهَا قَالَتْ: يَا رَسُوْلَ اللَّهِ، أَلَكَ بِيْ حَاجَةٌ؟ فَقَالَتْ بِنْتُ أَنَسٍ: مَا أَقَلَّ حَيَاءَهَا! وَاسَوْأَتَاهْ! وَاسَوْأَتَاهْ! قَالَ: هِيَ خَيْرٌ مِنْكِ، رَغِبَتْ فِي النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَعَرَضَتْ عَلَيْهِ نَفْسَهَا. رَوَاهُ الْبُخَارِيُّ

Thābit al-Bunānī ﷺ relates, “I was in the company of Anas ﷺ and his daughter was with him. Anas ﷺ said, ‘A woman came to the Messenger of Allāh ﷺ offering herself to him [in marriage] and said, ‘O Messenger of Allāh, do you have any need of me?’ [Upon hearing this], the daughter of Anas ﷺ said, ‘How immodest was she! Shame! Shame!’ Anas ﷺ replied, ‘She is better than you, for she desired the Messenger of Allāh ﷺ and thus offered herself to him.’” (*Bukhārī* 4828)

Commentary: Marriage can be proposed or marriage negotiations can be initiated by either of the two parties. Similarly, there is nothing wrong with a son or daughter suggesting a suitable and righteous person to the parents for marriage. Sadly, there remains a stigma within certain Muslim communities against a woman's side proposing or initiating marriage talks. It is considered rude and offensive for the daughter to suggest a suitable man to her parents, which—in some cases—is automatically deemed that she is involved in an illicit relationship. If a woman respectfully offers herself to a suitable man for marriage, it is considered a crime!

This ḥadīth rejects all these culturally-driven notions and practices, and establishes the permissibility of a woman offering herself to a man. Indeed, the woman—in this instance—offered herself to the best of creation ﷺ, but as the chapter heading chosen for the ḥadīth by Imām Bukhārī "A woman offering herself to a *righteous* man" indicates, this is not restricted to the Messenger of Allāh ﷺ. As such, it is perfectly acceptable for a woman to desire a man for his righteousness and good character, and offer herself to him for marriage. There is no disgrace in doing so.

Furthermore, the subsequent chapter heading chosen by Imām Bukhārī "A man offering his daughter or sister to the people of good" establishes that marriage can be proposed by the woman's family, and that there is no shame in doing so. Sayyiduna ʿUmar ibn al-Khaṭṭāb ؓ offered his daughter Ḥafṣa ؓ to Sayyiduna ʿUthmān ؓ and then Sayyiduna Abū Bakr al-Ṣiddīq ؓ prior to her marrying

the Messenger of Allāh ﷺ. If we adopt the same kind of simplicity and sincerity, many of our social problems would be solved!

Ḥadīth 23

عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا كَانَ يَقُوْلُ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَبِيْعَ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ، وَلَا يَخْطُبَ الرَّجُلُ عَلَى خِطْبَةِ أَخِيهِ حَتَّى يَتْرُكَ الْخَاطِبُ قَبْلَهُ أَوْ يَأْذَنَ لَهُ الْخَاطِبُ.

رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ وَاللَّفْظُ لِلْبُخَارِيِّ

ʿAbdullāh ibn ʿUmar ﷺ relates that the Messenger of Allāh ﷺ forbade that one makes a sale overriding the sale of another, and that a man proposes marriage overriding the proposal of his brother until the first suitor abandons his proposal or grants permission." (*Bukhārī* 4848 and *Muslim* 1412; the wording is of *Bukhārī*)

Commentary: This ḥadīth outlines one of the basic etiquettes of proposing marriage. All classical jurists (*fuqahā'*) agree that it is unlawful and sinful to propose marriage if a woman or her guardian has accepted the proposal of another man. The right of a man is that when he proposes to a woman and she gives her consent, none should try and undermine his position by counter-proposing, as this

inevitably leads to bitterness and animosity, which Islam came to eradicate.

The second situation is when the first proposer abandons his proposal or the woman and her guardian reject his proposal. In this case, scholars agree that it is permitted for another person to propose, as clearly established by this ḥadīth.

As for when marriage talks are in progress and interest is shown, there are diverse opinions held by classical scholars from the four schools of Islamic law. Some allow proposing, citing the incident of Fāṭima bint Qays , who received marriage proposals from Abū Jahm ibn Hudhayfa and Muʿāwiya ibn Abī Sufyān , but the Messenger of Allāh suggested that she instead consider Usāma ibn Zayd . Other scholars, however, consider it to be impermissible; explaining that Fāṭima bint Qays had not shown an inclination towards either of the two suitors, whilst the prohibition becomes effective only after interest is shown.

Nevertheless, given the explicit nature of this ḥadīth, and given the times we live in of general decay in moral values and personal relationships, it is best to avoid proposing when talks are ongoing between two parties—especially at an advanced stage. However, if negotiations stall, one may propose.

All of the above is when one is aware of the other proposal. If there is no prior knowledge, and one's proposal overrides another's proposal, then one is not sinful; and Allāh knows best.

الوَفَاءُ بِالشُّرُوْطِ فِي النِّكَاحِ

PRENUPTIAL AGREEMENTS

Ḥadīth 24

عَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَحَقُّ الشُّرُوطِ أَنْ تُوْفُوا بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوْجَ.
رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

ʿUqba ibn ʿĀmir ﷺ relates that the Messenger of Allāh ﷺ said, “The [pre]-conditions most rightful of being fulfilled are those with which you make private parts lawful.” (*Bukhārī* 2572 and *Muslim* 1418)

Commentary: The meaning of this ḥadīth is that out of all the conditions and agreements one makes, those related to marriage are most serious, given that marriage allows one to breach the honour attached to the private parts of another’s body. As such, one must try one’s utmost to fulfil these conditions.

Now, some of these conditions are such that they reinforce the objectives of marriage (i.e. they are to be fulfilled even if not

explicitly mentioned); such as the husband treating his wife properly, paying her dower, supporting her financially; and the wife respecting and obeying her husband in everything related to their marriage. Such conditions must obviously be fulfilled by both spouses.

On the other hand, some conditions contravene basic marital rights such as the wife not receiving her dower or financial support, or the husband not having a right to sexual relations with her. Such conditions, if stipulated, will be void, but not affect the validity of the marriage.

As for conditions which fall in between the above two categories such as the wife not moving out of her home town or the husband not taking on a second wife, there are two positions of the scholars regarding their fulfilment. According to the Ḥanbalī School, one is *legally* obliged to fulfil them, and the wife will have a right to demand the nullification of her marriage should her husband break them. According to the Ḥanafī, Mālikī and Shāfiʿī Schools, however, one is *religiously* and *morally* obliged to fulfil them, and as a result although the husband will be sinful for breaking them, the wife cannot demand the nullification of her marriage in the courts.

At times, these conditions in a prenuptial (or a written marriage contract) are attached to the right of divorce for the wife known as *tafwīḍ*. If the husband agrees—for example he says, "If I marry you, and fail to fulfil such-and-such condition, you have the right to issue one irrevocable divorce to yourself"—she will be entitled to divorce herself.

Finally, having a prenuptial is not recommended per se and generally better to avoid. However, in times of decline in moral ethics, it may become a genuine need for some people, hence there is nothing wrong in having one drawn up *Inshā'Allāh*.

عَقْدُ النِّكَاحِ

THE MARRIAGE CEREMONY

Ḥadīth 25

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْلِنُوْا هَذَا النِّكَاحَ، وَاجْعَلُوْهُ فِيْ الْمَسَاجِدِ، وَاضْرِبُوْا عَلَيْهِ بِالدُّفُوْفِ. رَوَاهُ التِّرْمِذِيُّ وَابْنُ مَاجَهْ واللَّفْظُ لِلتِّرْمِذِيِّ

ʿĀ'isha ﵂ relates that the Messenger of Allāh ﷺ said, "Announce the marriage, perform it in the Mosques, and beat the *duff* over it." (*Tirmidhī* 1089 and *Ibn Mājah* 895; the wording is of *Tirmidhī*—classified as *ḥasan*)

Commentary: Islamically, the actual marriage ceremony is a very short and simple matter. It merely comprises the verbal utterance of two statements; namely, the "offer (*ijāb*)" and "acceptance (*qabūl*)" in the physical presence of two Muslim, adult, male—or one male and two female—witnesses. The dower is a necessary condition, but not an integral part of the marriage ceremony. Apart from this, there are certain other practices which are not necessary, but form

part of the *sunna* method of conducting a marriage, and thus important if spiritual blessing (*barakah*) is to be attained. These include publicising the marriage as much as possible; conducting it on a Friday in the Mosque; the Imām reciting the marriage sermon (*khuṭba*) consisting of Allāh's praise, salutations on the Messenger of Allāh ﷺ and the three verses of God-consciousness (*taqwa*); and concluding the ceremony with supplications for the couple and their families.

In this ḥadīth, three etiquettes are mentioned. The first is to announce the marriage and can refer to appointing formal witnesses as well as general advertisement. In the case of the former, it would be a command of obligation (*wujūb*), since in another ḥadīth the Messenger of Allāh ﷺ said, "Marriage is invalid without witnesses." (*Tirmidhī*) In the latter case, however, it would be a command of recommendation (*istiḥbāb*), since it is recommended to announce and publicise the marriage as much as possible, for it helps avoid suspicion.

The second is to perform it in the mosques, which is a command of recommendation, and as such it is highly virtuous to have the marriage ceremony in the house of Allāh due to the immense blessing contained therein.

As for beating the *duff* or tambourine, its primary objective is publicity, and thus recommended at weddings and other happy occasions.

Ḥadīth 26

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
كَانَ إِذَا رَفَّأَ الْإِنْسَانَ إِذَا تَزَوَّجَ قَالَ: بَارَكَ اللَّهُ لَكَ وَبَارَكَ عَلَيْكَ
وَجَمَعَ بَيْنَكُمَا فِيْ خَيْرٍ. رَوَاهُ أَبُوْ دَاوُدَ وَالتِّرْمِذِيُّ وَابْنُ مَاجَهْ

> Abū Hurayra ﷺ relates that when the Messenger of Allāh ﷺ congratulated a person upon marriage, he would say, "May Allāh bless for you, shower blessings on you, and join both of you in goodness." (*Abū Dāwūd* 2123, *Tirmidhī* 1091 and *Ibn Mājah* 1905—classified as *ṣaḥīḥ*)

Commentary: This blessed ḥadīth teaches the Prophetic way of congratulating newlyweds. A number of narrations report that the Messenger of Allāh ﷺ advised his Companions ﷺ to replace their method of congratulation from the days of ignorance (*jāhiliyya*) with this beautiful and meaningful phrase of Islam. The Companions ﷺ would often say to one another, "Do not say this; but instead say what the Messenger of Allāh ﷺ said, 'O Allāh, bless them and shower blessings upon them.'"

As such, as soon as the formal marriage ceremony is concluded, it is recommended for the Imām and those present to congratulate the newlywed in the above manner—as a way of supplicating for the couple and their families, and asking Allāh to shower their union with blessings and goodness.

صَدَاقُ النِّسَاءِ

THE MARRIAGE PAYMENT/DOWER

Ḥadīth 27

عَنْ أَبِيْ الْعَجْفَاءِ السُّلَمِيِّ قَالَ خَطَبَنَا عُمَرُ فَقَالَ: أَلَا لَا تُغَالُوْا بِصُدُقِ النِّسَاءِ فَإِنَّهَا لَوْ كَانَتْ مَكْرُمَةً فِي الدُّنْيَا أَوْ تَقْوَى عِنْدَ اللَّهِ كَانَ أَوْلَاكُمْ بِهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، مَا أَصْدَقَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ امْرَأَةً مِنْ نِسَائِهِ وَلَا أُصْدِقَتْ إِمْرَأَةٌ مِنْ بَنَاتِهِ أَكْثَرَ مِنْ ثِنْتَيْ عَشْرَةَ أُوْقِيَةً. رَوَاهُ أَبُوْ دَاوُدَ وَالتِّرْمِذِيُّ وَابْنُ مَاجَهْ واللَّفْظُ لِأَبِيْ دَاوُدَ

Abū'l-ʿAjfā' al-Sulamī relates, "ʿUmar ﷺ delivered a sermon to us and said, 'Beware! Do not stipulate excessive amounts as dower for women, for if it represented nobility in this world or piety in the sight of Allāh, the most rightful among you of this would have been the Messenger of Allāh ﷺ, [yet] he did not give dower to any of his wives—neither were any of his daughters given dower—more than twelve *uqiyah*.'" (*Abū*

Dāwūd 2099, *Tirmidhī* 1114 and *Ibn Mājah* 1887; the wording is of *Abu Dawud*—classified as *ṣaḥīḥ*)

Commentary: The marriage payment or dower is known by a variety of names; such as *mahr*, *ʿātiyya*, *nihla*, *ḥiba* and—the term used in this ḥadīth—*ṣadaqa*. It is from the rights of a wife that her husband pays her the dower either in cash or in the form of any item of value. The dower is a gift from the husband by which he honours his bride, and serves as an expression of his seriousness and responsibility as he enters into marriage. Allāh Most High says, "Give women their dower in good cheer. Then, if they forego some of it, of their own will, you may have it as pleasant and joyful." (Qur'ān 4:4)

The various schools of Islamic law differ in terms of the minimum amount that can be given as dower, with the Ḥanafīs saying that it must be to the value of ten *dirhams* (equivalent to 30.618 grams of silver) due to the ḥadīth, "There is no dower less than ten *dirhams*." (*Bayhaqī*) However, all the schools agree that there is no maximum limit set by Sharīʿah.

The *sunna*, however, in everything is moderation. Both parties may mutually agree upon whatever sum they desire, but it should not be so little that it does not honour the wife, or excessively high making it difficult for people to marry and instead serve as a type of ostentation in the community.

Most scholars consider *mahr fāṭimī* as a moderate amount—the amount that Sayyiduna Ali gave to Sayyida Fāṭima for her

hand in marriage. The exact amount is 1,530.9 grams of silver, and one may give the equivalent of this in cash or another item. *Mahr al-mithl* is also seen as an ideal or appropriate dower for a woman. It is determined based on the amount of dower for similar women in her family from her father's side such as sisters, paternal aunts, cousins, etc. Similarity is considered in age, beauty, virginity, locality, time, and wealth. However, this applies when it is not the norm in her family to set excessive amounts!

Regrettably, it is observed in certain communities that excessive figures are demanded or expected resulting in destructive consequences. Men and women remain unmarried till their thirties and forties, which, of course, opens the door for illicit relationships and other sinful activities. Sayyiduna ʿUmar 🌿 cautions us in this ḥadīth that stipulating large sums is not something of nobility, either in this world or in the next life, and hence there is no sense in doing so. Our role model is the Messenger of Allāh 🌿, and he never gave or received [for his daughters] dower more than twelve *uqiyah* which, as scholars explain, is equivalent to four hundred and eighty *dirhams*.

The problem is exacerbated when people have to go out of their way and take loans in order to pay the dower. Marriage should not be this difficult, and we really need to take heed and correct this un-Islamic behaviour. In one ḥadīth, the Messenger of Allāh 🌿 said, "The best of dowers is what is easy [and affordable]." (*Ḥākim* and *Bayhaqī*)

سُنَّةُ الْوَلِيْمَةِ

THE *SUNNA* OF THE WEDDING FEAST

Ḥadīth 28

عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى عَلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَثَرَ صُفْرَةٍ، قَالَ: مَا هَذَا؟ قَالَ: إِنِّيْ تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ، قَالَ: بَارَكَ اللَّهُ لَكَ أَوْلِمْ وَلَوْ بِشَاةٍ.
رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

Anas ﷺ relates that the Messenger of Allāh ﷺ saw traces of yellow [perfume] on ʿAbd al-Raḥmān ibn ʿAwf ﷺ, so he asked, “What is this?” He replied, “I married a woman in return for a date-stone’s weight in gold [as dower].” The Messenger of Allāh ﷺ said, “May Allāh bless for you. Hold a wedding feast (*walima*), even if by [slaughtering] a sheep.” (*Bukhārī* 4860 and *Muslim* 1427)

Commentary: There are three points of note in this blessed ḥadīth:

Firstly, ʿAbd al-Raḥmān ibn ʿAwf ﷺ was a close companion of the Messenger of Allāh ﷺ and amongst those who were given glad

tidings of Paradise. Despite this, he did not go out of his way to invite the Messenger of Allāh ﷺ to his wedding, and neither did the Messenger of Allāh ﷺ complain for not being invited. The Messenger of Allāh ﷺ only realised that he had married upon seeing traces of yellow perfume on his clothes which he had applied on his wedding day, and—as mentioned in another version of this ḥadīth—by the joyful expression on his face. This indicates that the Companions kept their weddings very simple, treating them as any other routine affair of their lives.

Secondly, when asked by the Messenger of Allāh ﷺ, ʿAbd al-Raḥmān ibn ʿAwf ؓ revealed that the dower he gave was a date-stone's weight in gold. Some schools, like the Shāfiʿīs and Ḥanbalīs, use this as evidence for their position of no minimum limit being set for the dower. The Ḥanafīs, who consider the minimum limit to be the value of ten *dirhams*, claim that it is possible the value of the date-stone's weight in gold was equivalent to ten *dirhams*.

Thirdly, in the final part of the ḥadīth, the Messenger of Allāh ﷺ commands ʿAbd al-Raḥmān ibn ʿAwf ؓ to hold a wedding feast (*walīma*). According to most scholars, this command is one of recommendation; and therefore, holding a *walīma* is a strongly emphasised *sunna*, but not obligatory. It is an outward expression of gratitude and pleasure, and an effective means of publicising the marriage. Classical scholars have different opinions as to the correct time of this feast, with the majority view being that it should be held after consummation of the marriage. However, it is hoped that one will gain the reward of *sunna* if it is held anytime around the

marriage ceremony—whether before or after consummation—and Allāh knows best.

Ḥadīth 29

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُوْلَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا دُعِيَ أَحَدُكُمْ إِلَى الْوَلِيْمَةِ فَلْيَأْتِهَا. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

ʿAbdullāh ibn ʿUmar ﷺ relates that the Messenger of Allāh ﷺ said, "When one of you is invited to a wedding feast, you must attend it." (*Bukhārī* 4878 and *Muslim* 1429)

Commentary: There are varied opinions of the scholars in regard to the necessity of accepting a *walīma* invitation. The preferred and majority view is that it is either necessary (*wājib*) or an emphatic (*mu'akkada*) *sunna* unless one has a genuine excuse, as established by this and numerous other ḥadīths. In one ḥadīth, the Messenger of Allāh ﷺ said, "If I were invited to trotters, I would accept" (*Bukhārī* 4883), meaning even if one is invited to a modest meal one should not hesitate to accept the invite. In another ḥadīth, Abū Hurayra ﷺ said, "Whoever does not accept a [*walīma*] invitation indeed disobeys Allāh and His Messenger." (*Bukhārī*) As such, one should

try one's utmost to attend, especially if the invitation is from family and friends.

As for valid excuses for refusal, they include: having a prior engagement, the food being *haram* or doubtful, sinful activities taking place at the *walīma*, and fearing harm from the host or someone scheduled to attend. If one anticipates sinful activities, but fears that relations will be severed and family ties will breakdown should one not attend, then one may attend long enough to maintain ties and leave as soon as possible, provided one is not a religious leader. This is considered acting upon the lesser of two evils. The best course of action would be to prevent the sinful activities if one is able to do so.

Ḥadīth 30

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ كَانَ يَقُوْلُ: شَرُّ الطَّعَامِ طَعَامُ الْوَلِيْمَةِ يُدْعَى لَهَا الأَغْنِيَاءُ وَيُتْرَكُ الْفُقَرَاءُ، وَمَنْ تَرَكَ الدَّعْوَةَ فَقَدْ عَصَى اللهَ تَعَالَى وَرَسُوْلَهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

Abū Hurayra ﷺ says, "The worst of foods is that of a wedding feast to which the rich are invited and the poor are neglected. Whoever does not accept the invitation has indeed disobeyed

Allāh and His Messenger ﷺ." (*Bukhārī* 4882 and *Muslim* 1432)

Commentary: This statement of Sayyiduna Abū Hurayra ؓ is related from the Messenger of Allāh ﷺ too, and as such it is to be considered a Prophetic ḥadīth. It advises to correct one's intention and thus invite people to the *walīma* solely for the pleasure of Allāh. It strongly warns against having ulterior motives, such as only inviting the wealthy and those from the upper-class of the community due to their riches.

Sadly, our societies are gripped in formalities when it comes to wedding celebrations. We feel obliged to invite those who invite us, and some of us even maintain a list of individuals who invited us over the years and then ensure they are reciprocated by sending our own invite! Other motives include inviting people so they can be of help when the need arises, such as putting in a good word for a job application. At times, the aim is to simply show off and maintain one's image.

The ḥadīth teaches us that one should feed people with sincerity and simplicity, with the sole aim of pleasing Allāh Most High. If this means feeding orphans in impoverished countries, then so be it. Providing a simple meal with sincerity and from the heart is far better than feeding expensive food with insincerity. In some instances, sadly, much food is wasted, which—at a time when people are dying out of starvation—is indeed a crime! One may invite family members, relatives, friends, associates, scholars and

pious people to the *walīma*, with the aim of fulfilling a *sunna* and gaining rewards and Divine blessings. In another ḥadīth, the Messenger of Allāh ﷺ said, “The food on the first day is a duty, on the second day a *sunna*, and on the third day showing off. And whoever shows off, Allāh will show him off [and disgrace him on the Day of Judgment].” (*Tirmidhī*) May Allāh protect us all, *Amin*!

البَسَاطَةُ فِي الْعُرْسِ

SIMPLICITY IN WEDDINGS

Ḥadīth 31

عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَقَامَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَ خَيْبَرَ وَالْمَدِيْنَةِ ثَلَاثًا يُبْنَى عَلَيْهِ بِصَفِيَّةَ بِنْتِ حُيَيٍّ، فَدَعَوْتُ الْمُسْلِمِيْنَ إِلَى وَلِيْمَتِهِ، فَمَا كَانَ فِيْهَا مِنْ خُبْزٍ وَلَا لَحْمٍ، أُمِرَ بِالْأَنْطَاعِ فَأُلْقِيَ فِيْهَا مِنَ التَّمْرِ وَالْأَقِطِ وَالسَّمْنِ فَكَانَتْ وَلِيْمَتَهُ، فَقَالَ الْمُسْلِمُوْنَ: إِحْدَى أُمَّهَاتِ الْمُؤْمِنِيْنَ أَوْ مِمَّا مَلَكَتْ يَمِيْنُهُ؟ فَقَالُوْا: إِنْ حَجَبَهَا فَهِيَ مِنْ أُمَّهَاتِ الْمُؤْمِنِيْنَ وَإِنْ لَمْ يَحْجُبْهَا فَهِيَ مِمَّا مَلَكَتْ يَمِيْنُهُ، فَلَمَّا ارْتَحَلَ وَطَّى لَهَا خَلْفَهُ وَمَدَّ الْحِجَابَ بَيْنَهَا وَبَيْنَ النَّاسِ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ وَاللَّفْظُ لِلْبُخَارِيِّ

Anas ibn Mālik ﷺ relates that the Messenger of Allāh ﷺ camped between Khaybar and Madina for three nights when he married Ṣafiyya bint Ḥuyayy ﷺ. I invited the Muslims to his wedding feast. It contained no bread or meat, [rather] he ordered that a leather mat to be spread out on which some

dates, dried yoghurt and refined butter was placed. That was his *walīma*. The Muslims said, "Is she one of the Mothers of the Believers or his slave girl?" They said, "If he veils her, then she is one of the Mothers of the Believers, and if he does not veil her, she is his slave girl." When he travelled, he made a place for her behind him and extended the veil between her and the people [i.e. this proved that she was his wife]." (*Bukhārī* 4797 and *Muslim* 1365; the wording is of *Bukhārī*)

Commentary: The story of the Prophet's ﷺ marriage to Sayyida Ṣafiyya bint Ḥuyayy رضي الله عنها is an amazing model of simplicity and informality in wedding celebrations. Ṣafiyya رضي الله عنها was the daughter of Ḥuyayy ibn Akhtab, the chief of the Jewish tribe Banu Naẓīr—who had all been expelled from Madina in the year 4ah after plotting to kill the Messenger of Allāh ﷺ. During the battle of Khaybar, in which the Muslims defeated the opposing Jews, she was amongst those captured. The Messenger of Allāh ﷺ took her as a slave woman, then granted her emancipation and married her. In the morning, he appeared as a bridegroom and the ensuing *walīma* was one of the simplest imaginable. A mat was spread out and, as mentioned in the narration of *Muslim*, the Messenger of Allāh ﷺ said, "Whoever has anything to eat should bring it with them." People came with cheese, dates, refined butter, and they prepared *ḥays* [a type of sweet dish]; and that was his *walīma*!

Compare this to some of the weddings these days centred on material concerns and extravagant spending, simply to impress

others! Gaudy decorations, engraved invitations, lavish catering, hiring expensive cars, grand parties, stag and hen nights, etc., have regrettably become part of many Muslim wedding celebrations—sometimes at the expense of the basic laws of Islam. There is no need to include all these various trends. Weddings should be kept as simple as possible if Divine spiritual blessing (*baraka*) is to be gained. In one ḥadīth, the Messenger of Allāh ﷺ said, "The most blessed marriage is the one with least expenses." (*Bayhaqi*) It is not wrong to invite people, but the point is that some go out of their way and spend lavishly on weddings—at times taking out loans—merely to impress others, maintain their image, or for fear of "what people will say." This kind of behaviour is blameworthy.

Furthermore, as the cost and complexity of weddings increases, so does the accompanying stress. Some families experience major disputes over the silly details of the wedding ceremony, killing the spirit of love and togetherness that should be in the air. Is a five hundred-person guest list really worth the hassle? Is all this expensive food really necessary? Will the grand wedding ceremony make up for all the arguments and stress that accompany it? Are the sleepless nights and anxiety leading up to the wedding day really worth it? These are all questions we should ask ourselves. Let's bring back simplicity and blessings in our weddings. Let's throw out all the ridiculous expenses and extravagant frills. Let's make weddings be about love and bringing families together again!

حُقُوْقُ الْمَرْأَةِ عَلَى زَوْجِهَا

RIGHTS AND PRIVILEGES OF A WIFE

Ḥadīth 32

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَكْمَلُ الْمُؤْمِنِيْنَ إِيْمَانًا أَحْسَنُهُمْ خُلُقًا، وَخِيَارُكُمْ خِيَارُكُمْ لِنِسَائِهِمْ خُلُقًا. رَوَاهُ التِّرْمِذِيُّ وَابْنُ مَاجَهْ واللَّفْظُ لِلتِّرْمِذِيِّ

> Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "The believers with the most complete faith are the ones with the best character. The best among you are the best of you in character towards their women." (*Tirmidhī* 1162, *Ibn Mājah* 1978; the wording is of *Tirmidhī*—classified as *ṣaḥīḥ*)

Commentary: Islam places a great deal of emphasis on upholding healthy marital and family relations, because the backbone of any good society is the establishment of stable families. Dire marital relations will have a negative impact on children, and thus affect the community at large. As such, the rights (*huqūq*) of both spouses, as well as the spirit (*rūḥ*) of marriage, have been detailed in many

texts of the Qur'ān and *sunna*. Sadly, we have a tendency of demanding our rights and ignoring our responsibilities towards others. The Prophetic example is to focus on fulfilling the rights of others, and not worrying too much about our own rights. If this attitude is adopted by everyone, the world will be a much better place to live in!

A wife enjoys many rights and privileges in Islam, of which being treated kindly is at the forefront. The husband must be compassionate, forgiving, gentle, and not cruel and abusive towards her. Allāh Most High says, ". . .And live with them [women] in the recognised good manner. . ." (Qur'ān 4:19). The Messenger of Allāh ﷺ, in this ḥadīth, expands further by saying that in order to acquire perfection in faith (*imān*), a man needs to display good behaviour towards all humans, especially the womenfolk under his care; for charity begins at home. There is no point in being hospitable towards others while treating one's own family members unkindly. In another version of this ḥadīth, the Messenger of Allāh ﷺ said, "The best among you are the best of you towards their family; and I am the best among you towards my family" (*Ibn Mājah*), demonstrating that these were not mere verbal statements, but supported by his own personal practice.

The husband should also be mindful of his wife's sacrifices, and thus not expect too much from her. He should be appreciative of her cooking, cleaning and other domestic chores, and try to assist as much as possible. In a ḥadīth recorded by *Tirmidhī*, *Abū Dāwūd* and others, the Messenger of Allāh ﷺ said, "Treat your women well, for

they are confined to you; hence you do not own anything over them beyond that." This proves that the husband cannot force his wife to serve his own parents and family, although she is immensely rewarded if she chooses to do so.

Apart from good treatment, other rights enjoyed by the wife include: financial support (*nafaqa*), dower (*mahr*), sexual relations, being taught the basics of religion, and equal treatment—in the case of multiple wives. Above all, however, the spirit of marriage—which is to put your spouse before yourself—should be the ideal benchmark on which a marital relationship is lived.

Ḥadīth 33

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُوْلَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْمَرْأَةُ كَالضِّلَعِ إِنْ أَقَمْتَهَا كَسَرْتَهَا وَإِنِ اسْتَمْتَعْتَ بِهَا اسْتَمْتَعْتَ بِهَا وَفِيْهَا عِوَجٌ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

> Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "A woman is like a rib. If you try to straighten her, you will break her. If you want to enjoy her, enjoy her with the crookedness." (*Bukhārī* 4889 and *Muslim* 1468)

Commentary: This ḥadīth encourages men to appreciate that women are created differently from them, and naturally more sensitive and

emotional. From a man's perspective (and not in of itself), her sensitive nature may seem crooked, but that is what makes her a woman and what makes her attractive—similar to a rib whose beauty and well-being lies in it being crooked. Furthermore, the husband is being reminded that, just like a rib snaps if straightened, it would be wrong and foolish of him to try and mould his wife into being like him. If he does attempt to do so, his marriage will be negatively affected. In another version of this ḥadīth, the Messenger of Allāh ﷺ said, "I instruct you to treat women well, for they are created from a rib. The most crooked part in a rib is its upper part. If you try to straighten it, you will break it. If you leave it, it remains crooked. Hence, I instruct you to treat women well." (*Bukhārī* 4890)

Some non-Muslims argue that comparing a woman to a crooked rib is to degrade and question her character! However, this stems from misunderstanding the ḥadīth and taking it out of its intended context. Crookedness in a rib is not a defect, but part of its makeup. Likewise, a woman possessing different personality traits from a man is not a defect in her, but part of her inherent nature. Moreover, the "crookedness" highlighted is relative, in that she may seem crooked to a man due to her being different from him, but it does not mean she is independently crooked. As such, the Messenger of Allāh ﷺ is merely instructing the husband to treat his wife with gentleness, care, and patience (*sabr*), given her sensitive nature, and not haste to issue a divorce.

Ḥadīth 34

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَفْرَكْ مُؤْمِنٌ مُؤْمِنَةً، إِنْ كَرِهَ مِنْهَا خُلُقًا رَضِيَ مِنْهَا آخَرَ.

رَوَاهُ مُسْلِمٌ

Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "A believing man [husband] should not loathe a believing woman [wife]; for if he dislikes one of her characteristics, he will be pleased with another." (*Muslim* 1469)

Commentary: This Prophetic ḥadīth provides us with an important principle in terms of the husband's attitude and behaviour towards his wife: whenever he notices a fault in her, he should not start loathing her, but instead, focus on her good qualities and be grateful for them. For example if he finds her unattractive, he should consider her beautiful character; and if he feels she does not have a good character, he should acknowledge her chastity or tenderness as a mother, and so on. Always considering the positives induces contentment and prevents one from being unkind to one's wife. Allāh Most High also mentions this principle, saying, "If you dislike them [wives], then it is likely that you dislike something but Allāh has placed a lot of good in it." (Qur'ān 4:19)

The reality is that human beings tend to be very ungrateful. The moment we see something negative in others, we disregard all their

positive attributes and acts of kindness they may have done in the past. We need to realise that every human has some good within themselves, and it is our duty to seek out the good qualities and overlook the bad ones. May Allāh Most High grant us the ability, *Āmīn*.

Ḥadīth 35

عَنْ مُعَاوِيَةَ الْقُشَيْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَيْتُ رَسُوْلَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ فَقُلْتُ: مَا تَقُوْلُ فِيْ نِسَائِنَا؟ قَالَ: أَطْعِمُوْهُنَّ مِمَّا تَأْكُلُوْنَ وَاكْسُوْهُنَّ مِمَّا تَكْسُوْنَ وَلَا تَضْرِبُوْهُنَّ وَلَا تُقَبِّحُوْهُنَّ.

رَوَاهُ أَبُوْ دَاوُدَ وَالنَّسَائِيُّ

Muʿāwiya al-Qushayrī ﷺ relates, “I went to the Messenger of Allāh ﷺ and asked, ‘What do you say concerning [the rights of] our wives?’ He replied, ‘Feed them of what you eat, clothe them with [the quality of] what you wear, do not beat them and do not slander them.’” (*Abū Dāwūd* 2137 and *Nasā’ī* 2057 —classified as *ḥasan*)

Commentary: There are multiple versions of this ḥadīth recorded in the various collections with minor differences. In this particular account, the Messenger of Allāh ﷺ reminds the companion

Muʿāwiya al-Qushayrī —and by extension, all Muslim husbands—of a few pieces of advice with regard to the treatment of wives.

Firstly, in terms of financial support (providing food, clothing and accommodation), the husband should not be stingy, sufficing with the absolute bare minimum; instead, he should be generous and spend on her with an open heart, but without being extravagant. As for how much to give, this is subjective and depends on his financial situation and the couple's living standards. He should maintain his wife according to his means and provide her with adequate food, clothing and accommodation in a manner that is customary amongst people of similar living standards in society. In addition, he should provide her with a separate allowance that she may independently use as and when needed to fulfil her other needs.

Secondly, the husband must avoid beating his wife and any form of physical abuse. Much has been said and written about the position of Islam concerning wife-beating, and this is not the time and place to delve into the details. It is enough, however, for a believing man to know that the best of creation never lifted his hands on any of his slaves or wives his entire life. Rather, whenever he entered the house, he would have a smile on his face. In one ḥadīth, the Messenger of Allāh said, ". . . [It is immoral that] one of you beats up his wife like she is a slave, and then fulfil his sexual needs in the night!" (*Bukhārī*) In another, he said, "Do not beat the female slaves of Allāh [i.e. your wives]." (*Abū Dāwūd* and others)

Indeed the Qur'ān gives permission to "strike" one's wife, but it needs to be understood in its proper context. If a husband feels there are unbearable aspects to his wife's behaviour and attitude that need rectifying; for example she is physically or verbally abusive, slanderous or violates Islamic rulings, he should first advise her with love and gentleness for a certain period of time. If it fails to bring about any positive change, his next step should be to sleep separately from her for a certain period of time. If still there is no difference, as a last resort, he may strike her lightly. This 'striking' is only allowed in exceptional cases, and as a last resort, with strict conditions such as not being angry, not striking the face and not injuring her. The idea is not to hurt one's wife, but merely to discipline and make her realise that her behaviour needs to change. It's more like a 'tap' on the shoulder than a hard strike, and even this is best avoided.

As such, even though Islam allows the husband to 'lightly strike' or 'tap' his wife in such extraordinary circumstances, the real spirit of Islam and the desire of the Messenger of Allāh ﷺ is that no husband lift his hand on his wife even in such circumstances, as understood from the following ḥadīth: The Messenger of Allāh ﷺ once declared, "Do not beat the female slaves of Allāh." So ʿUmar رضي الله عنه came to him and said, "Women have become daring [and abusive] towards their husbands." So he gave permission to strike them. Then many women came round the family of the Messenger of Allāh ﷺ complaining about their husbands, so he said, "Many women have come round the family of Muḥammad ﷺ complaining

about their husbands [that they are beating their wives]. These men are not among the best of you." (*Abū Dāwūd*, *Nasā'ī* and others)

Thirdly and finally, the husband must also avoid all forms of verbal abuse. This includes uttering anything and everything that may hurt his wife's feelings, such as swearing, slandering, using repulsive language, bickering and constant nagging. A believer must guard his tongue at all times but more so in the presence of his spouse. A pious elderly Shaykh once said, "In fifty five years of being married to my wife, I have never spoken to her in a harsh tone!" May Allāh enable us to follow in his footsteps, *Āmīn*.

حُقُوْقُ الزَّوْجِ عَلَى الْمَرْأَةِ

RIGHTS AND PRIVILEGES OF A HUSBAND

Ḥadīth 36

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَوْ كُنْتُ آمِرًا أَحَدًا أَنْ يَسْجُدَ لِأَحَدٍ لَأَمَرْتُ الْمَرْأَةَ أَنْ تَسْجُدَ لِزَوْجِهَا. رَوَاهُ التِّرْمِذِيُّ وَأَبُوْ دَاوُدَ وَابْنُ مَاجَهْ وَاللَّفْظُ لِلتِّرْمِذِيِّ

> Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "If I were to command anyone to prostrate before another, I would command a woman to prostrate before her husband." (*Tirmidhī* 1159, *Abū Dāwūd* 2133 and *Ibn Mājah* 1853; the wording is of *Tirmidhī*—classified as *ṣaḥīḥ*)

Commentary: A husband too enjoys many rights and privileges in Islam; the most important of which is that he is considered the head (*amīr*) of the household and, as a result, respected and obeyed by his wife. In any walk of life where more than one person is involved, unless an *amīr* is appointed, the risk of conflict remains. As such,

Islam encourages the appointment of an *amīr* even when travelling to maintain order and for the smooth-running of the journey. This assumes greater importance within marriage, since it is a lifelong journey consisting of a personal relationship where hearts are supposed to be connected.

The question then arises is who should be the *amīr*: the wife or the husband? Leaving aside logical reasoning, for a believer it is sufficient that Allāh Most High has declared the husband to be the *amīr* of the household and not the wife. He says, "Men are caretakers of women, since Allāh has made some of them excel the others, and because of the wealth they have spent. So, the righteous women are obedient, [and] guard [the property and honour of their husbands] in their absence with the protection given by Allāh. . ." (Qur'ān 4:34)

This does not imply that the husband is a master and his wife nothing more than a slave! Allāh Most High in the quoted verse uses the term "*qiwam*", as opposed to "king" or "ruler." *Qiwam* refers to taking care, managing affairs and being in charge; and as such the role of the husband is to take care of matters, consult other family members and then make the final decision. This is not about domination, controlling others and creating fear in them. The husband has been appointed an *amīr* in terms of managing family affairs, but the spousal relationship is to be based on friendship and mutual love, as Allāh Most High says, "And He has created love and kindness between you." (Qur'ān 30:21) If both parties play their

roles assigned to them by God, it is hoped that the marital union will be full of blessings and free from unnecessary conflict.

This very message is being emphasised in this ḥadīth. A wife must consider her husband to be the head of the household, and thus respect and listen to him. For her, after Allāh Most High and His Messenger ﷺ, no one should be more worthy of respect, love and admiration than her husband. Prostrating (*sujūd*) is unlawful for other than Allāh, hence there is ultimate exaggeration in the ḥadīth concerning the wife's responsibility to respect and obey her husband.

Respect means that the wife accepts her husband's decisions even if she doesn't agree with them, although she may voice her suggestions. It means that she listens to him, has regard for his ideas, and treats him like an intelligent adult rather than an irresponsible child! Respect breeds obedience, which also is the husband's right in all matters related to their marriage, as long as it does not conflict with the rights of Allāh and does not violate her own rights. In another ḥadīth, the Messenger of Allāh ﷺ said, "A woman, who offers her five daily prayers, observes her fasts of Ramadan, preserves her chastity, and obeys her husband; it will be said to her, 'enter Paradise from whichever door you wish.'" (*Aḥmad*)

Ḥadīth 37

عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَيُّمَا إِمْرَأَةٍ مَاتَتْ وَزَوْجُهَا عَنْهَا رَاضٍ دَخَلَتِ الْجَنَّةَ.

رَوَاهُ التِّرْمِذِيُّ وَابْنُ مَاجَهْ

Umm Salama ﵂ relates that the Messenger of Allāh ﷺ said, "A woman who dies whilst her husband is pleased with her shall enter Paradise." (*Tirmidhī* 1161 and *Ibn Mājah* 1854—classified as *ḥasan*)

Commentary: This ḥadīth, in a way, is a continuation of the preceding one. When a wife respects and obeys her husband, and fulfils all his other rights, he will naturally be pleased with her. His pleasure will in turn result in her attaining the pleasure of the One most worthy of being pleased—Allāh Most High—since His pleasure lies in pleasing the husband. As such, a wife who departs from this world in a state where her husband is happy shall meet her Lord with Him being pleased and thus enter Paradise.

In addition to pleasing God, a wife who strives to make her husband happy—by giving him a lot of love and affection, taking care of him, putting him before everything else and taking care of her appearance—will find her husband reciprocating, by loving her a lot and doing anything and everything to please her. As such, she will have the best of both worlds!

Ḥadīth 38

عَنْ مُعَاذِ بْنِ جَبَلٍ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُؤْذِي امْرَأَةٌ زَوْجَهَا فِي الدُّنْيَا إِلَّا قَالَتْ زَوْجَتُهُ مِنَ الْحُوْرِ الْعِيْنِ: لَا تُؤْذِيْهِ قَاتَلَكِ اللَّهُ فَإِنَّمَا هُوَ عِنْدَكِ دَخِيْلٌ يُوْشِكُ أَنْ يُفَارِقَكِ إِلَيْنَا. رَوَاهُ التِّرْمِذِيُّ وَابْنُ مَاجَهْ وَاللَّفْظُ لِلتِّرْمِذِيِّ

Muʿādh ibn Jabal ﷺ relates that the Messenger of Allāh ﷺ said, “Whenever a woman harms her husband in this world [without any just reason], his wife from the [eternal women of paradise known as] *al-ḥūr al-ʿain* says [to her], ‘Do not harm him, may Allāh destroy you, for he is only a guest with you and shall soon leave you for us.’” (*Tirmidhī* 1174, *Ibn Mājah* 2014; the wording is of *Tirmidhī*—classified as *ḥasan*)

Commentary: Islam commands the husband to treat his wife with kindness; in the same spirit, it commands the wife to treat her husband with kindness too. And just as there are morally corrupt men who abuse and ill-treat their wives, there are morally corrupt women who abuse and harm their husbands. This ḥadīth is addressed to such women.

It serves as a warning for a wife who, out of her corrupt nature, harms her husband without a just cause by verbally,

psychologically, or—even worse—physically abusing him! She is being reminded that no matter how much she harms him, it is only for a short period of time, after which he will be in the company of his wife from the women of Paradise who will love and cherish him. This wife of his from the women of Paradise asks her to put an end to her evil behaviour, and curses her by asking Allāh to destroy her. Her love for him is such that she feels saddened by seeing him hurt, and thus taunts the wife saying, “He is only a guest with you and shall soon leave you for us.”

As such, the practical advice being imparted in this ḥadīth is that a wife must try her best not to harm her husband or hurt his feelings. She must avoid physically lashing out at him, being aggressive, being foul-mouthed, swearing, slandering, nagging, carrying out immodest and immoral actions, making unfair demands which are beyond his means, among other things. If she does desist, not only will she find her husband reciprocating and loving her even more, she will acquire the pleasure of Allāh Most High and be rewarded by Him. In another ḥadīth, the Messenger of Allāh ﷺ, mentioning the lofty status of wives and mothers, said, “They carry children [in their wombs], give birth, and are tender towards their children. Those regular with their prayers amongst them shall enter Paradise—*if they avoid harming their husbands*.” (*Aḥmad*)

Ḥadīth 39

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ فَبَاتَ غَضْبَانَ عَلَيْهَا لَعَنَتْهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

Abū Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, "When a man calls his wife to his bed [for sexual relations] and she refuses, resulting in him spending the night disgruntled with her, the angels curse her until morning." (*Bukhārī* 3065 and *Muslim* 1436)

Commentary: A wife's responsibility to fulfil her husband's intimate needs has been emphasised in many ḥadīths. In addition to this ḥadīth, the Messenger of Allāh ﷺ is reported to have said, "By the One in Whose hand is my soul, no man calls his wife to his bed and she refuses him, except that Allāh becomes displeased until her husband is pleased with her" (*Muslim*); and, "When a man calls his wife for the fulfilment of his [sexual] needs, she must come to him, even if she is [busy] in the cooking area." (*Tirmidhī* and *Nasā'ī*)

All these ḥadīths illustrate that the husband has a right that his wife fulfils his sexual needs, simply because sexual intimacy is an integral part of the marriage contract which both parties willingly entered into. If the husband is unable to satisfy this need of his within marriage, one of the basic marital objectives—namely, to safeguard oneself from sins through sexual relations with one's spouse—will remain unfulfilled, and he will be tempted to look

elsewhere. As such, a wife who refuses her husband is sinful, cursed by the angels, deprived of Allāh's mercy; and Allāh Most High is displeased with her until she pleases her husband.

However, there are three important points worth considering here. Firstly, this warning only applies to a wife who refuses her husband without a valid excuse. If her refusal is due to a genuine reason; for example, she is ill, extremely tired or emotionally drained, then she will not be sinful. In fact, the husband will be required to understand and show her consideration. Allāh Most High says, "On no soul does Allāh place a burden greater than it can bear." (Qur'ān 2:286) As such, these ḥadīths are essentially admonishing a wife who simply uses sex as a weapon against her husband and refuses intimacy for no apparent reason.

Secondly, the ḥadīth describes the husband "spending the night being upset with her" indicating that he must hold back and not force himself over her should she refuse—even if she does so without a valid excuse. Had force been permitted, the Messenger of Allāh would have surely advised it. If her refusal is not due to a genuine reason, then her sin is with Allāh in the next life, but it does not legitimise forced sex in this life.

Thirdly, the right to sexual fulfilment is not exclusive to the husband; it is a mutual right owed by each spouse to the other, as established by many evidences from the Qur'ān, *sunna* and texts of classical scholars. A husband too is sinful if he deprives his wife of her sexual needs without a genuine reason or excuse, with many classical jurists (*fuqahā'*) holding that it is obligatory for the

husband to engage in sexual intimacy with his wife every so often—enough to maintain her outward and inward chastity such that she does not incline towards sin. As such, this is not just about the sexual demands and needs of men, as some wrongfully claim!

The above is all at the level of law. The spirit of marriage, however, calls for such matters to be resolved with mutual understanding, regard for one another, love, gentleness and putting one's spouse before one's self.

تَعَدُّدُ الزَّوْجَاتِ وَالْقَسْمُ بَيْنَ النِّسَاءِ

POLYGYNY (POLYGAMY) AND TREATMENT OF MULTIPLE WIVES

Ḥadīth 40

عَنْ أَبِيْ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا كَانَ عِنْدَ الرَّجُلِ امْرَأَتَانِ فَلَمْ يَعْدِلْ بَيْنَهُمَا جَاءَ يَوْمَ الْقِيَامَةِ وَشِقُّهُ سَاقِطٌ. رَوَاهُ التِّرْمِذِيُّ وَأَبُوْ دَاوُدَ وَالنَّسَائِيُّ وَابْنُ مَاجَهْ وَاللَّفْظُ لِلتِّرْمِذِيِّ

Abu Hurayra ﷺ relates that the Messenger of Allāh ﷺ said, “When a man has two wives and does not treat them justly, he will come on the Day of Judgment with [one of] his side hanging down.” (*Tirmidhī* 1141, *Abū Dāwūd* 2126, *Nasā’ī* 3942 and *Ibn Mājah* 1969; the wording is of *Tirmidhī*—classified as *ṣaḥīḥ*)

Commentary: This ḥadīth outlines the importance of treating one’s wives justly—should a man have more than one—and warns against being unfair and leaving their rights unfulfilled. One of the

punishments promised in the next life for a man who fails to treat his multiple wives justly is that he will be resurrected with one side of his body hanging down, as a way of disgracing him and revealing his evil behaviour.

The correct term used for having multiple wives is “polygyny.” As for “polygamy”, it refers to a marriage where a person has more than one spouse. When a man is married to more than one woman at a time, the relationship is called polygyny; and when a woman is married to more than one man at a time, it is called Polyandry. Islamically, only a limited form of polygyny is permitted. This brief work does not allow us to examine the Islamic concept of polygyny in detail, its historical background and the reasons behind its restricted and conditional permissibility. However, in a nutshell, we find two extreme approaches when dealing with this issue:

Some take polygyny extremely lightly—championing a man’s right to marry multiple wives without giving due consideration to personal circumstances, cultural sensitivities, the law of the land and the strict condition stipulated by Sharīʿah in terms of treating all the wives equally. Some contemporary scholars have advised against taking on a second wife unless one is genuinely in need of doing so, for—in most cases—it creates complications; such as ruining one’s relationship with the first wife, harming the second wife when her rights are not fulfilled and, more importantly, harming the children involved.

The husband must realise that taking on a second wife is a huge step, bringing with it a great deal of responsibility. He should

consider the grave warnings mentioned in the Qur'ān and *sunna*—such as in this ḥadīth—for oppressing, mistreating and being unfair to the wives. Allāh Most High says, ". . . Marry women of your choice; two, three, or four. But if you fear that you shall not be able to deal justly [with them], then only one. . ." (Qur'ān 4:3) Fair treatment refers to spending equal time with them, spending on them equally and the like. However, having more love for one wife is not blameworthy, provided it remains in the heart and does not become manifest in one's external actions. This is alluded to in the following verse: "You are never able to be fair and just between women, even if it is your ardent desire. But turn not away [from one wife] altogether, so as to leave her hanging. . ." (Qur'ān 4:129)

The other extreme is totally rejecting the permissibility of polygyny or considering it to be evil, disgraceful, outdated, unsuited to our times and—even worse—akin to an extra-marital affair! Muslims with this type of attitude must realise that it is completely acceptable for a man to take on a second wife, provided he fulfils all the necessary and strict conditions, and that there is much wisdom behind this ruling. Not wanting to enter a polygynous marriage, or not wanting one's husband to take on a second wife is not blameworthy in and of itself, but rejecting this Divine injunction and looking down upon it is highly dangerous and could even lead to disbelief (*kufr*). A believer must submit to the divinely ordained laws of Allāh, regardless of whether they please one or not, as Allāh Most High says, "It is not fitting for a believer, man or woman, when a matter has been decided by Allāh and His Messenger, to

have any option about their decision. If anyone disobeys Allāh and His Messenger, he is indeed on a clearly wrong path." (Qur'ān 33: 36)

It is extremely important to have this balanced approach, not only with polygyny but with all aspects relating to *dīn*. May Allāh grant us the ability, *Āmīn*.

With this, the collection of forty ḥadīths relating to marriage is now completed. And the last of our prayers is, "Praise be to Allāh, Lord of the Worlds."

In this collection of 40 ḥadīths, the author addresses a subject that affects most people—if not all: marriage. He deals with questions on the purpose and significance of marriage, and tackles more controversial areas including forced marriage, marrying without the permission of one's parents, and domestic violence. The ḥadīths are supplemented by a generous commentary which goes beyond a simple explanation of the wording of the ḥadīths to include discussions on how the ḥadīths is to be operationalised, or put into practice, and what implication it has on marital life.

The Author

Muftī Muhammad ibn Adam al-Kawthari is a traditionally-trained Islamic scholar who studied the Arabic language and various other Islamic sciences in different parts of the world including the UK, Pakistan and Syria. He has authored many works including *Islamic Guide to Sexual Relations* and *Birth Control & Abortion in Islam*, and lectured extensively around the world on a range of topics. Presently, he resides in Leicester, UK, where he is a teacher of the Islamic sciences, and Director and researcher at the Institute of Islamic Jurisprudence (Darul Iftaa, www.darul-iftaa.com).

TURATH PUBLISHING
WWW.TURATH.CO.UK